

TOMMY WILLIAMS  
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7/29/2014

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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

MARC VEASEY, et al., )  
Plaintiffs, )  
 )  
v. ) Civil Action  
 ) No. 2:13-cv-193 (NGR)  
RICK PERRY, et al., )  
Defendants. )

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ORAL DEPOSITION OF

TOMMY WILLIAMS

JULY 29, 2014

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ORAL DEPOSITION of TOMMY WILLIAMS, produced as a witness at the instance of the Plaintiffs Texas State Conference of NAACP Branches, Mexican American Legislative Caucus of the Texas House of Representatives, and duly sworn, was taken in the above-styled and numbered cause on July 29, 2014, from 9:39 a.m. to 6:45 p.m., before Denyce M. Sanders, CSR, RPR, CRR, TCRR, in and for the State of Texas, recorded by machine shorthand, at OFFICE OF THE ATTORNEY GENERAL OF TEXAS, Consumer Protection Division, 808 Travis, Suite 1520, Houston, Texas, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto; signature having been waived.

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24 James Graham - intern

25

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1 MS. RUDD: Let's just go around the room  
2 and have everyone introduce themselves for the record,  
3 first.

4 I'm Amy Rudd, representing the Texas  
5 State Conference of the NAACP and the Mexican American  
6 Legislative Caucus.

7 MR. BRAZIL: Scott Brazil for the Veasey  
8 plaintiffs.

9 MS. MARANZANO: I'm Jennifer Maranzano.  
10 I'm representing the United States.

11 MR. SHORDT: Richard Shordt,  
12 representing the Texas League of Young Voters  
13 Education Funds and Imani Clark, Plaintiff.

14 MS. DONNELLY: Rosemarie Donnelly. I  
15 represent the witness.

16 MR. KEISTER: Ronnie Keister. I  
17 represent the defendants.

18 MS. BUENIK: My name is Leah Buenik, and  
19 I'm an intern at the Office of the Attorney General.

20 MR. GRAHAM: And I'm James Graham. I'm  
21 also an intern at the Office of the Attorney General.

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1                           TOMMY WILLIAMS,  
2 having been first duly sworn, testified as follows:

3                           E X A M I N A T I O N  
4 BY MS. RUDD:

5     Q.    Good morning, Senator Williams. How are you  
6 this morning?

7     A.    I'm well.

8     Q.    You've been through this routine before,  
9 haven't you, in connection with a Section 2  
10 litigation?

11    A.    I think, on the voter ID case, it was a  
12 Section 5 claim --

13    Q.    Sorry.

14    A.    -- when I --

15    Q.    You're right.

16    A.    -- gave my testimony the last time.

17    Q.    And you also testified in the trial in the  
18 Section 5 case, correct?

19    A.    I did.

20    Q.    Have you given any other testimony in any  
21 other deposition in the past?

22    A.    Any other deposition? Yeah.

23    Q.    What other depositions have you given in the  
24 past?

25    A.    Business litigation, and I guess maybe -- I

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1 can't remember, but I think maybe the redistricting  
2 case.

3 Q. Can you tell me approximately how many times  
4 you've been deposed.

5 A. No.

6 Q. Is it less than 10?

7 A. Maybe.

8 Q. When you say "business litigation," what  
9 business litigation are you referring to?

10 A. Stuff that came up in the routine course of  
11 my business career, civil litigation.

12 Q. Were you suing somebody in that civil  
13 litigation?

14 A. Sometimes I was and sometimes I was the  
15 defendant.

16 Q. Okay. We'll come back to that.

17 Can you tell me what you did to prepare for  
18 your deposition today.

19 A. I met with the Office of the Attorney  
20 General, and briefly yesterday for less than two  
21 hours.

22 Q. And did you review any documents when you  
23 were preparing?

24 A. I did. I relooked at the transcript from the  
25 deposition I gave in this case when it was a Section 5

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1 case, and I looked at the requirements to obtain a  
2 voter ID card off of the website, you know, that  
3 had -- so, that's about it.

4 Q. When you say "the requirements to obtain a  
5 voter ID," you mean the requirements under Senate Bill  
6 14?

7 A. Yeah.

8 Q. And did you go to the website that --

9 A. No.

10 Q. -- the DPS website?

11 A. No, the OAG's office had printed off copies  
12 of it, and I just looked at it.

13 Q. Did you look at anything else in connection  
14 with your preparation?

15 A. No.

16 Q. Did you talk to anyone about your deposition  
17 today other than your attorney?

18 A. No.

19 Q. What did you do to produce --

20 A. Only to complain to people about having to be  
21 here, what a huge inconvenience and waste of my time  
22 and the taxpayers' money it is.

23 Q. Fair enough.

24 What did you do to produce documents in this  
25 case, if anything?

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1 MS. DONNELLY: I'm sorry, can I  
2 interrupt that question just briefly?

3 Are we -- is this deposition going to be  
4 taken under seal?

5 MS. RUDD: My understanding is, the way  
6 that this has been working -- and someone can correct  
7 me if I'm wrong -- is that we designate certain  
8 portions to be under seal; but, we haven't been doing  
9 entire depositions under seal. So, for example, when  
10 I ask about a highly confidential document, I'll note  
11 that for the record so we make sure that portion goes  
12 under seal.

13 Is that the way you guys have been doing  
14 it for the most part?

15 MS. DONNELLY: We have had some  
16 depositions where the entire deposition is under seal,  
17 so I don't have to keep interrupting you.

18 MR. KEISTER: I've attended both ways.  
19 It just kind of depends on whoever is taking it and  
20 what the preference is.

21 MS. RUDD: I mean, I'm fine with  
22 putting, for convenience purposes, the whole  
23 deposition under seal, but with the understanding that  
24 they're going to be nonconfidential portions.

25 So if -- if -- I think it would be your

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1 burden to go back later and sort of say, "This is what  
2 I want to be under seal," and -- because otherwise, it  
3 makes it quite difficult, I think, for the court to  
4 parse what's confidential and what's not.

5                   What do you think about it?

6                   MS. DONNELLY: Well, I mean, it causes  
7 more interruptions, but, I mean, we can do it that way  
8 if you want. We have done it before where it's just  
9 the whole deposition is under seal, it causes less  
10 interruptions, with the understanding that Senator  
11 Williams will be testifying under seal.

12                  And what I mean by that is, it's my  
13 understanding that he will be testifying as to  
14 questions and answers, under seal, that would  
15 be -- that we would object to the legislative -- it's  
16 covered by the legislative privilege.

17                  And so, I'm going to simply interrupt  
18 and object on a question-by-question basis, is what  
19 I'm hearing is the way you prefer to do it.

20                  MS. RUDD: Or if we can just put on the  
21 record right now that the portions that will be under  
22 seal are those portions relating to legislative  
23 privileged information and anything that's highly  
24 confidential that I'm asking about in terms of  
25 documents; but for administrative purposes, we'll just

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1 say the whole thing's under seal, understanding that  
2 later on I can introduce evidence that's not in those  
3 two categories of highly confidential or legislatively  
4 privileged information.

5                   Does that make sense? Otherwise, let's  
6 just --

7                   MS. DONNELLY: No, I'm sorry, I'm  
8 confused. I think the way I've understood it before,  
9 is that the entire deposition is under seal; and then,  
10 essentially, the parties will be able to unseal it to  
11 the extent that the question and answer is not covered  
12 by legislative privilege. It seems like a more  
13 efficient way to do it.

14                  I don't want to waive privilege by  
15 having it be not clear on the record that we are going  
16 to be asserting legislative privilege to the whole  
17 deposition, or, in the alternative, doing it on a  
18 question-by-question basis.

19                  MS. RUDD: Well, I think the first thing  
20 you said is the flip side of what I just said, so I  
21 think we can do the whole thing under seal,  
22 understanding that we'll be designating at some later  
23 time what's -- what's going to be confidential for  
24 purposes of sealing the deposition and what's not.

25                  MS. DONNELLY: Okay. So if all of the

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1 lawyers are in agreement, who are present, that the  
2 deposition is under seal -- with the understanding  
3 that each of the parties is able to unseal it, for  
4 the -- lack of a better word, portions that are not  
5 covered by the legislative privilege; and certainly,  
6 if -- if the witness and the defendant feels that it  
7 is covered by legislative privilege, we can have that  
8 discussion another day.

9 Is that acceptable?

10 MS. MARANZANO: That's agreeable to us.

11 MS. DONNELLY: That's acceptable to all  
12 the lawyers present?

13 MR. BRAZIL: Yes.

14 MR. SHORDT: Yes.

15 MS. DONNELLY: Okay. With one exception  
16 to that, and that is; the legislative privilege of  
17 folks who are not present and are not the witness here  
18 today, we are not waiving their privilege, and I will  
19 be asserting legislative privilege to those questions.

20 MS. RUDD: Okay.

21 MS. DONNELLY: And for that limited  
22 purpose.

23 MS. RUDD: Understood.

24 MS. DONNELLY: Very good. Thank you.

25 Q. (BY MS. RUDD) Okay. So back to document

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1 production.

2 I know you produced some documents in  
3 connection with the Section 5 case.

4 Did you also produce documents in connection  
5 with this case?

6 A. I believe so. My staff produced the ones in  
7 the Section 5 case, and if you look back at the  
8 deposition, you'll -- there was a long line of  
9 questioning about that, and they did all the work.

10 And then, of course, I had resigned -- I  
11 resigned from the Senate on October 2nd or 3rd, right  
12 along in there somewhere, and so the people who were  
13 my former staffers also produced whatever additional  
14 documents were produced in this -- for this  
15 deposition.

16 Q. So at the time that documents were produced  
17 from your offices with this litigation, you were no  
18 longer -- you, by that time, resigned from office; is  
19 that correct?

20 A. I believe so.

21 Q. And so the people who would have produced  
22 documents in this litigation are people who are your  
23 former staffers?

24 A. That's correct. They continue to staff the  
25 office, even though I no longer held it. It's vacant

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1 at the present time.

2 Q. And when you resigned from office, did you  
3 retain, or was there some system for retaining files,  
4 from when you were serving as a senator?

5 A. I did not personally retain any files. My  
6 staff cataloged whatever files we had, and then they  
7 were put in storage, I guess, at the Archives  
8 Commission. I'm not sure where they sent them.

9 Q. Did you discuss the document production in  
10 this case with any of those former staff members prior  
11 to their production of documents in this case?

12 A. Yes. I received a subpoena, and my  
13 instructions to Amanda Martin, who is an attorney who  
14 was my legislative director and general counsel, was  
15 to produce whatever relevant documents there were, to  
16 do the search and make sure that everything was  
17 produced.

18 Q. So if I wanted to know the mechanics of that  
19 actual search, I would have to ask Amanda Martin?

20 A. That's correct. Or -- yeah, I think that's  
21 right, yeah.

22 Q. Do you know whether there would have been  
23 both electronic and paper files that Ms. Martin would  
24 have searched, or one or the other?

25 A. I think probably both.

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1 Q. What happened to your e-mail when you  
2 resigned from office? Did that e-mail remain  
3 functional for some period of time, your official  
4 state e-mail?

5 A. I don't know the answer to that. You'll have  
6 to ask -- I mean, I'm sure they were receiving e-mails  
7 in the office. It wouldn't have been to me anymore,  
8 because I no longer held the office.

9 Q. Do you --

10 A. So you'll have to ask them what happened  
11 there.

12 Q. Do you know whether your prior e-mails, prior  
13 to leaving office, were archived somewhere?

14 A. You know, it was our practice to delete them  
15 as soon as we were done with them. So whatever was  
16 there, was there. I mean, I -- I really wasn't in  
17 charge of that, so I can't tell you.

18 Q. Okay. So if -- if somebody -- you or  
19 somebody in your office deleted something in the  
20 ordinary course of business, you don't know whether  
21 that e-mail is somewhere out there in an archived file  
22 or in a backup tape of some kind?

23 A. That's correct. I don't know.

24 Q. Let's talk a little bit about your  
25 background. I think I -- I understand most of your

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1 background from your prior deposition, so let me try  
2 to get through it pretty quickly.

3 You attended A&M University, correct?

4 A. Yeah, that's correct.

5 Q. And you received a BBA in accounting; is that  
6 right?

7 A. That's correct.

8 Q. What year did you receive that degree?

9 A. 1978.

10 Q. And you're also a CPA?

11 A. I am.

12 Q. Is your license current?

13 A. I think I'm on the inactive status now,  
14 because I don't practice public accounting. It's  
15 been -- it's been kept current up until this last  
16 year. I think I took an inactive status.

17 Q. And then what did you do after college? Can  
18 you just give me a brief rundown of sort of your  
19 career path after you graduated?

20 A. When I graduated, I moved to Houston on May  
21 23, 1978, and I went to work for Kaneb Services in --  
22 as a corporate accountant. I worked there for about a  
23 year and a half or two years. And I've worked for  
24 my -- I left and worked for my dad for a few months  
25 while he closed his business down.

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1           And then I came back and went to work for a  
2 subsidiary of Kaneb, called Diamond M Offshore  
3 Drilling. And I worked there for a couple of years,  
4 and I left and went into the insurance and financial  
5 services business, and I've been in that business  
6 since then. That was roughly '81 or '82, somewhere  
7 along in there.

8           I've got -- all of that stuff really is a  
9 matter of public record. If you really want to know,  
10 you can go check, because it's all out there.

11          Q.     Well, it's just a lot easier, when I have you  
12 here, to ask you questions about it.

13          A.     It was a long time ago.

14          Q.     So in your first job as a corporate  
15 accountant, were you involved in any litigation in  
16 that job?

17          A.     No.

18          Q.     And then you said you worked for your dad for  
19 some period of time, correct?

20          A.     Uh-huh.

21          Q.     Were you involved in any litigation while you  
22 were working for your dad?

23          A.     No.

24          Q.     And then you went and worked for, I believe  
25 you said -- it's Diamond -- what was the name of the

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1 company?

2 A. Diamond M Offshore Drilling.

3 Q. Diamond M Offshore Drilling, were you

4 involved in any litigation while you were working

5 there?

6 A. No.

7 Q. And then when you went into the insurance and

8 financial services business, where were you working?

9 A. Well, I started off working for a marketing  
10 company called Common Wheel, and we marketed insurance  
11 products to other agents. We were a wholesaler.

12 Then I went to work for New England Life as a  
13 career agent, and I was there for 14 years -- 14 or 16  
14 years. So I left there.

15 And soon after I left there, I opened an  
16 office for Raymond James in The Woodlands.

17 In 2000, I sold that to Woodforest Financial  
18 Group, and then I ran it for them for 13 or 14 years,  
19 and then I resigned to take my present job as vice  
20 chancellor for federal and state relations at the  
21 Texas A&M University System.

22 Q. I noticed you were wearing the school colors  
23 today.

24 A. I am.

25 Q. Okay. So the first place you mentioned was

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1 Common Wheel. Were you involved in any litigation at

2 Common Wheel?

3 A. No.

4 Q. And then you said you went to New England

5 Life for 14 years. Were you involved in any

6 litigation there?

7 A. No.

8 Q. And then you said you went to work for

9 Raymond James; is that correct?

10 A. No. I said opened an office for them. I

11 owned the office. I mean, it was more of a

12 franchise-type or contractual relationship. It wasn't

13 a franchise.

14 Q. Okay. And you sold that business to

15 Woodforest Financial Group in 2000, correct?

16 A. Yes.

17 Q. While you were at Raymond James, were you

18 involved in any litigation there?

19 A. Yes.

20 Q. What was that litigation about?

21 A. There were a couple of cases where people

22 left my employment under less than favorable

23 circumstances, and they tried to take trade secrets,

24 or something like that, and we were involved in making

25 sure that we protected the firm's interest in that.

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1 Q. So in that situation, you were actually suing  
2 people for --

3 A. Yeah. Or they owed me money when they left.  
4 They owed the company money, yeah.

5 Q. Was there anything else?

6 A. That was the primary thing. I did -- there  
7 was a guy that worked for me that, after he left he --  
8 well, he was under investigation by the Securities and  
9 Exchange Commission for insider trading, and so he  
10 left my employment.

11 And subsequent to the time that he left my  
12 employment, they -- you know, it's a matter of public  
13 record what happened. I don't -- he's not in the  
14 business anymore. I don't know all the details.

15 Q. But you weren't implicated in that insider  
16 trading?

17 A. I was not.

18 Q. Did you offer any testimony in connection  
19 with this investigation?

20 A. Only as a part of the investigation.

21 Q. That was an investigation by the Securities  
22 and Exchange Commission?

23 A. Correct.

24 And then when he left, he took some trade  
25 secrets, and I was involved in litigation to protect

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1 those trade secrets.

2 Q. So you sued him for theft of trade secrets?

3 A. I don't think that was exactly what it was,  
4 but it was something like that, yeah.

5 Q. How was that resolved?

6 A. It was resolved to my satisfaction later; so  
7 we got an injunction, and he paid some money, and that  
8 was it.

9 Q. And then after you sold your business to  
10 Woodforest Financial Group, were you involved in any  
11 litigation there?

12 A. That's what I was just talking about.

13 Q. Okay. So that was after you sold your  
14 business to Woodforest?

15 A. Right. All of that was, yeah.

16 Q. And then there was also an issue where  
17 Woodforest National Bank was penalized by the Federal  
18 Office of the Controller of Currency.

19 Do you recall that?

20 A. I do.

21 Q. Did you have any involvement in that?

22 A. I did not. We were owned by the same parent  
23 company, but I was not an employee of the bank.

24 Q. Okay. So you were never involved in any of  
25 the bank operations?

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1 A. No.

2 Q. Did you give any testimony in connection with  
3 that investigation?

4 A. I did not.

5 Q. And then how -- you said you ran Woodforest  
6 Financial Group for 13 or 14 years?

7 A. No. Woodforest Financial Services.

8 Q. Okay. And do you have any affiliation with  
9 Woodforest Financial Services today?

10 A. No. I resigned in October or November. I  
11 guess it was probably November. I think my last day  
12 was sometime during December. My wife still works  
13 there, but I do not. I own stock in the Woodforest  
14 Financial Group still.

15 Q. And when you say October/November, you're  
16 talking about last year --

17 A. Correct.

18 Q. -- 2013?

19 A. Yeah.

20 Q. And at that time, you took a job as vice  
21 chancellor of federal and state relations at Texas  
22 A&M; is that correct?

23 A. That's correct.

24 Q. Okay. Let's talk about your tenure in the  
25 Texas legislature. You were initially elected to the

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1 Texas House in 1996; is that right?

2 A. That's correct.

3 Q. And you served there until you were elected  
4 to the Senate in 2002?

5 A. That's correct.

6 Q. And your district was District 4, which  
7 encompassed sort of a large swath of Southeast Texas,  
8 right?

9 A. My Senate district was Senate District 4 --

10 Q. Right.

11 A. -- and my House district was 15.

12 Q. And other than your work with Woodforest  
13 Financial Services, did you hold any other jobs while  
14 you were serving in the legislature?

15 A. No.

16 Q. And you resigned primarily to take a job of  
17 vice chancellor of federal and state relations?

18 A. That's not correct.

19 Q. Okay. Why did you resign?

20 A. You know, I resigned for personal reasons,  
21 and subsequent to my resignation, I was offered the  
22 job --

23 Q. Okay.

24 A. -- as vice chancellor at A&M.

25 Q. What were those personal reasons?

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1 A. Well, I had served 16 years, 10 months and 18  
2 days, and I felt like that was enough.

3 Q. Is there any other reason you resigned?

4 A. None that's not a part of public record. I  
5 mean, I've pretty much said publicly it was time for  
6 me to move on.

7 Q. One of the things that you went through in  
8 your prior deposition was your service on various  
9 legislative committees, and I just want to quickly run  
10 through the committees that you served on in each of  
11 your years as a senator. And to make this easier, I'm  
12 going to go session by session, and you can just  
13 either correct me or tell me that there's something  
14 missing.

15 A. I'm not sure I can correct you, because, you  
16 know, I -- that was a long time, 11 years, and I'm not  
17 sure I remember every single thing. I'll do it to the  
18 best of my recollection.

19 Q. Well, this is what I -- I have listed, just  
20 tell me if this sounds right.

21 So 2003, that would have been the first  
22 session that you were serving as a senator, correct?

23 A. Uh-huh.

24 Q. You have to say "yes" or "no."

25 A. Correct.

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1 Q. I have you as serving on the Criminal Justice  
2 Committee, the Education Committee, the Finance  
3 Committee, and serving as vice chair of State Affairs  
4 that year.

5 Does that sound right?

6 A. No. I don't believe I was vice chair, State  
7 Affairs, and I think I was vice chair of the Criminal  
8 Justice Committee my first session in the Senate. I  
9 may have been a member of the Senate Affairs  
10 Committee. I don't recall. I probably was.

11 Q. So if the Senate Archives list you as the  
12 vice chair of State Affairs in the 2003 session, you  
13 say that's wrong, to your knowledge?

14 A. I don't recall that I was. My  
15 recollection -- I mean, I could have been. I don't  
16 know.

17 Q. Okay. I understand it was a long time ago.

18 A. Yeah.

19 Q. 2005, I have you serving on the Education  
20 Finance, again, the State Affairs and the  
21 Transportation and Homeland Security Committees.

22 Does that sound right?

23 A. That sounds right.

24 Q. And I also have you listed in 2005 as the  
25 vice chair of State Affairs.

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1           Does that sound right in that year?

2       A.    Yeah.

3       Q.    In 2007, I have you on the education, the  
4 finance, the State Affairs, the Transportation and  
5 Homeland Security Committees and then several select  
6 committees.

7           Does that sound right?

8       A.    Yeah.

9       Q.    And again, you were the vice chair of State  
10 Affairs in 2007?

11      A.    Could have been.

12      Q.    Do you have any reason to think otherwise?

13      A.    If that's what it says in the Archives, I  
14 imagine it's correct.

15      Q.    Okay. And then in 2009, I have you on the  
16 Education, Finance, the International Relations and  
17 Trade and the Transportation and Homeland Security  
18 Committees.

19           Does that sound right?

20      A.    Uh-huh.

21      Q.    You did not serve on the State Affairs  
22 Committee in 2009; is that consistent with your  
23 recollection?

24      A.    Uh-huh. Yes, it is.

25      Q.    And then in that year, you also served on the

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1 Select Committee on Redistricting; is that right?

2 A. If that's what it says in the Archives,  
3 that's correct.

4 Q. Okay. And then moving forward to the 2011  
5 session, I have you serving on several subcommittees  
6 of the Finance Committee, one of which is the  
7 subcommittee on Article 6, and 7.

8 Do you recall that?

9 A. Yeah, that's -- I know -- are we talking  
10 about the 2011 session?

11 Q. Yes, sir.

12 A. Yeah, there were several subcommittees. It  
13 was an unusual session, in that respect, that we had  
14 had a bunch of subcommittees that we all served on,  
15 yeah.

16 Q. Can you tell me what the subcommittee on  
17 Article 6, and 7, is.

18 A. 6 is the article that deals with natural  
19 resources and other business regulatory matters, and  
20 then 7 is the -- I think the article that deals with  
21 the Department of Public Safety, criminal justice, and  
22 those sorts of things.

23 And there's a separate Article 8, that's just  
24 a regulatory article, that deals only with the  
25 regulation of business.

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1           I think 6 deals with things like natural  
2 resources and those sorts of things like that.

3       Q.    That year, you also served on the  
4 International Relations and Trade Committee, the State  
5 Affairs Committee, the Transportation Committee; is  
6 that correct?

7       A.    If that's what it says in the Archives, yeah.

8       Q.    When did you first form the opinion that  
9 Texas needed a voter identification bill?

10      A.    I can't -- I can't recall a specific time.

11      Q.    You recall that the first time that there was  
12 legislation that you were involved with was during the  
13 2007 session, correct?

14      A.    I think there was a session in -- when I was  
15 in the House, where there was a bill that was passed  
16 that attempted to deal with this, that I voted on, but  
17 I can't -- I don't recall, I wasn't involved in  
18 drafting the legislation or helping to get it passed.  
19 It was a Senate bill.

20           So it was an issue that had come up before,  
21 but that's the first time that I was directly  
22 involved, would have been in '07, '09, along in there.

23      Q.    Okay. So prior to that initial legislation,  
24 did you form an opinion that Texas needed a voter  
25 identification bill, or is it something that you just

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1 heard about in connection with that legislation in the  
2 House?

3 A. I think that it's a good idea. I can't tell  
4 you specifically when I felt like we needed  
5 legislation to address it.

6 Q. Do you recall why you decided that Texas  
7 needed voter ID legislation?

8 A. No.

9 Q. Do you recall House Bill 218 during the 2007  
10 legislative session?

11 A. Not the specific details of it. I mean, I --  
12 I really don't -- it's kind of a blur, to tell you the  
13 truth.

14 Q. Okay. I understand that.

15 When you gave deposition testimony in the  
16 Section 5 case -- and I understand that that case was  
17 also, you know, several years removed from the 2007  
18 legislate session -- you didn't recall a lot of  
19 specifics of some of the voter ID legislation prior to  
20 SB 14. And then, when you gave trial testimony in  
21 July 2012 in the Section 5 case, you testified about  
22 House Bill 218.

23 Do you recall that?

24 A. No.

25 Q. Can I ask you what changed between your

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1 deposition in the Section 5 case and trial, that your  
2 recollection improved?

3 MS. DONNELLY: Objection. Form. It's  
4 confusing and vague.

5 Do you understand the question?

6 THE WITNESS: No.

7 Q. (BY MS. RUDD) Okay. Well, here's what I'm  
8 getting at. There were a lot of answers in your prior  
9 deposition about you not recalling the specifics of  
10 House Bill 218. Then, when you were asked questions  
11 during the trial on Section 5, you gave specific  
12 information about House Bill 218.

13 I'm asking, what changed between your  
14 deposition and trial?

15 MS. DONNELLY: Objection. Form.

16 Counsel, if you want to show him his  
17 testimony and ask him specifics, that's -- it's vague  
18 and confusing.

19 MS. RUDD: I'm just asking general  
20 questions now.

21 MR. KEISTER: Objection. Form.

22 Misstates facts not in evidence.

23 Q. (BY MS. RUDD) Did you understand the  
24 question?

25 A. No. Not really. If you have something

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1 specific you want to ask me, I'm glad to try to answer  
2 it.

3 Q. We'll have to go through your testimony, I  
4 guess.

5 House Bill 218 in the 2007 session was a bill  
6 designed to combat in-person voter fraud; is that  
7 correct?

8 A. Yes.

9 Q. Do you recall House Bill 218 generally?

10 A. Only that it was a voter ID bill.

11 Q. Do you recall who sponsored it on the Senate  
12 side?

13 A. I don't know.

14 Q. If I told you that Troy Fraser sponsored that  
15 bill, would that sound right to you?

16 A. He was very involved in the issue, yes.

17 Q. When did you become very involved in the  
18 issue --

19 MS. DONNELLY: Objection. Form.

20 Q. (BY MS. RUDD) -- to your recollection?

21 MS. DONNELLY: Objection. Form.

22 You can answer.

23 A. You know, I don't have a specific  
24 recollection about when I became involved in it. It's  
25 a -- it was an issue that was important to a lot of

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1 people and a lot of my constituents during my  
2 legislative career.

3 You know, I cast about 5,000 record votes  
4 every session, and I don't remember every detail of  
5 every bill. It's just -- you've been swimming in this  
6 river the last few months, and I have not been, so I  
7 don't -- you know, there's a lot that I don't  
8 remember.

9 Q. (BY MS. RUDD) Okay. But to be fair, voter ID  
10 legislation was fairly controversial legislation for  
11 several sessions, correct?

12 MS. DONNELLY: Objection. Form.

13 A. I don't think it was controversial. There  
14 was a lot of opposition to it on one side, but I  
15 wouldn't say it was controversial. It was widely  
16 perceived by the public as something that was a good  
17 thing.

18 Q. (BY MS. RUDD) Okay. But there was  
19 significant opposition to voter ID legislation each  
20 year that it was proposed, from 2007 onward, correct?

21 A. Yes.

22 Q. And it was something -- voter ID legislation  
23 was an issue that you personally had a lot of  
24 involvement with over the years, correct?

25 MS. DONNELLY: Objection. Form.

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1 A. I was involved in -- when it passed, and I  
2 was a joint author or a co-author of the bills; but I  
3 wasn't involved in drafting any of the legislation.

4 Q. (BY MS. RUDD) Okay. So when you say you were  
5 a joint author or co-author, you mean more than you  
6 were a sponsor of the legislation?

7 A. Someone else was the author, and I had  
8 registered my support by being a joint or co-author of  
9 the legislation.

10 Q. Okay. Which -- were you a joint or co-author  
11 of Senate Bill 14?

12 A. I don't recall.

13 Q. Do you recall any other particular voter ID  
14 legislation that you were registered as a joint or  
15 co-author on?

16 A. Not as we sit here today.

17 (Williams Exhibit 1 marked/introduced.)

18 Q. (BY MS. RUDD) Do you recognize Exhibit 1?

19 A. This looks like it is the filed version of  
20 House Bill 218, as it was filed in the House.

21 Q. Okay. And that was the voter ID legislation  
22 filed during the 2007 legislative session, correct?

23 A. Yeah. It looks like it was prefiled in  
24 November of 2006, so it would have been for the 80th  
25 regular session, it says.

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1 Q. And the purpose of this legislation was to  
2 combat in-person voter ID fraud, correct?

3 A. I think that was the intent of the author,  
4 yeah.

5 Q. As opposed to absentee ballot fraud or some  
6 other form of voter fraud, right?

7 A. Well, let me read it and see.

8 It would appear that this only addresses  
9 identification for people who are voting in person.

10 Q. Okay. Prior to -- let me back up.

11 You were sitting on the State Affairs  
12 Committee in 2007, correct?

13 A. If that's what the records say, I wouldn't  
14 dispute that. I could have been. There were some  
15 sessions where I didn't -- where I wasn't on the  
16 committee.

17 Q. Okay. Do you recall that this bill was  
18 referred to the Senate State Affairs Committee for  
19 consideration?

20 A. I do not have a specific recollection. It  
21 would have been under the -- you know, the procedures  
22 that we followed in the Senate. It would have been in  
23 the usual course of business that it would have come  
24 to the State Affairs Committee.

25 Q. So as a member of the State Affairs

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1 Committee, you would have considered this legislation  
2 in committee; is that right?

3 A. It if passed the House. I can't tell by  
4 looking at this that it did. It just says here that  
5 this is the filed version. It doesn't show that it  
6 was the enrolled version. It's not -- you know, I  
7 don't know what the progress of this bill was, by what  
8 you gave me.

9 (Williams Exhibit 2 marked/introduced.)

10 Q. (BY MS. RUDD) Exhibit 2 is the Senate  
11 Journal from April 26, 2007, correct?

12 A. It would appear to be.

13 Q. If you turn to page -- and I'm looking at the  
14 page numbers on the upper left-hand corner -- 1372 of  
15 that document.

16 A. Uh-huh.

17 Q. The bottom half of that page has a section  
18 titled, "HOUSE BILLS AND RESOLUTIONS ON FIRST  
19 READING."

20 Do you see that?

21 A. I do.

22 Q. And it says: "The following bills and  
23 resolutions received from the House were read first  
24 time and referred to the committees indicated."

25 Do you see that?

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1 A. I do.

2 Q. And in that list is "HB 218 to Committee on  
3 State Affairs," correct?

4 A. That's correct.

5 Q. Does that tell you that HB 218 was referred  
6 to the State Affairs Committee?7 A. It does, but it doesn't tell me that this  
8 bill that you've put before me was the bill that was  
9 referred. This is the introduced version of the bill.  
10 I don't know whether this bill was amended on the  
11 House floor or not.

12 Q. That's a fair distinction.

13 Do you recall considering this bill on the  
14 State Affairs --

15 A. No.

16 Q. -- Committee in 2007?

17 (Williams Exhibit 3 marked/introduced.)

18 Q. (BY MS. RUDD) Exhibit 3 is a transcript of  
19 the bench trial in the Section 5 case. And if you  
20 turn to page 69 of that exhibit, the bottom of that  
21 page is the beginning of your testimony.

22 Do you see that?

23 A. On line 24?

24 Q. Yes.

25 A. I see that.

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1 Q. And if you'll turn to page 71, at line 22 of  
2 71, you're asked: "Moving up to 2007, did the Texas  
3 House pass voter ID legislation again in 2007?"

4 You say: "Yes."

5 Question is: "And was that House Bill 218?"

6 You say: "Yes."

7 Do you see that?

8 A. I do see that.

9 Q. Okay. And then the next couple of pages go  
10 on to discuss House Bill 218.

11 A. Yeah, I see that. But that still does not  
12 address that this is the introduced version, not the  
13 enrolled version of the bill. So this is not  
14 necessarily the bill that was before the Senate.

15 Q. I understand that.

16 A. Okay.

17 Q. If you go ahead and just read through your  
18 testimony on page 72, I just want to know if that  
19 refreshes your collection of what happened --  
20 recollection of what happened with this Senate Bill  
21 218.

22 MS. DONNELLY: Objection. Form.

23 Q. (BY MS. RUDD) Sorry. House Bill 218.

24 MS. DONNELLY: To the extent that you  
25 need to read all of the testimony to refresh your

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1 recollection, feel free to do so.

2 THE WITNESS: Okay.

3 Q. (BY MS. RUDD) If it will make this process go  
4 faster, I'll give you the opportunity to read further  
5 into your transcript. I just want to talk about 2007  
6 now.

7 A. Oh, okay.

8 Q. So having now read your trial testimony, do  
9 you recall that HB 218 passed out of the State Affairs  
10 Committee?

11 A. Yes, it did.

12 Q. And you voted to pass that out of committee,  
13 correct?

14 A. I did.

15 Q. Do you recall that that vote was strictly  
16 along party lines?17 A. It wouldn't surprise me if it was. I don't  
18 recall the vote.19 Q. At the time that you voted to pass HB 218 out  
20 of committee, did you think it was a good bill?

21 A. I did.

22 Q. It was acceptable to you, and that's why you  
23 voted for it?24 A. It was the bill that was before us, it was  
25 the best opportunity we had at that time.

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1 Q. Okay. Let's go through, if we can, for a  
2 second -- and I understand your qualification about  
3 whether the bill that was considered in committee is  
4 the bill that I have a copy of, which is Exhibit 1.

5 A. This is not the bill that was considered in  
6 committee. This is the filed version.

7 Q. Okay. And fair enough.

8 Do you know, off the top of your head, what  
9 differences there might have been between this version  
10 and the version that was considered in committee?

11 A. Oh, good Lord, no.

12 Q. Okay. If you'll turn with me to page 3 of  
13 Exhibit 1.

14 First, let me ask you this general question:  
15 Do you recall that HB 218 permitted a voter to either  
16 show a photo ID or two forms of nonphoto ID at the  
17 polls?

18 MS. DONNELLY: Based upon Exhibit 1?

19 MS. RUDD: Correct.

20 A. It would appear that that was true of the --  
21 if this is the legislation that we considered in  
22 committee.

23 Q. (BY MS. RUDD) Okay. And on page 3 of that  
24 document, Subsection -- Section 63.0101(a) lists  
25 documentation that was acceptable for a form of photo

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1 ID, correct?

2 A. Let's see. Yes.

3 Q. Number 1 is a driver's license or personal ID  
4 card not expired more than two years, correct?5 A. No. It says that it would be a driver's  
6 license or personal ID card issued by the Department  
7 of Public Safety that is not expired or that is  
8 expired no earlier than two years before the date of  
9 the -- of presentation.10 Q. Right. So a driver's license or personal ID  
11 card that was expired more than two years would not  
12 have been accep- -- unacceptable under this version of  
13 HB 218; is that right?

14 MS. DONNELLY: Objection. Form.

15 A. I believe that's correct.

16 Q. (BY MS. RUDD) Number 2 is a United States  
17 military identification card with a photo, correct?

18 A. Uh-huh. Person's photograph.

19 Q. Right.

20 Number 3 is a valid employee identification  
21 card with a person's photograph and issued by an  
22 employer of the person in the ordinary course of  
23 business, correct?

24 A. That's Item Number 3.

25 Q. Do you recall why that item was included in

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1 this legislation?

2 A. No. You'd have to ask Betty Brown.

3 Q. Do you recall discussing that particular form  
4 of ID in committee?

5 A. I do not.

6 Q. Number 4 is a United States citizenship  
7 certificate with a photograph, correct?

8 A. Yes.

9 Q. 5 is a passport.

10 6 is a student identification card issued by  
11 a public or a private institution on behalf of higher  
12 education; is that correct?

13 A. Correct.

14 Q. Do you recall discussion in committee about  
15 the use of a student identification card as a form of  
16 photo ID?

17 A. I do not.

18 Q. At the time that HB 218 was being considered  
19 in committee, did you consider a student  
20 identification card an acceptable form of photographic  
21 identification at the polls?

22 A. I -- would you repeat the question?

23 Q. Sure. At the time that HB 218 was being  
24 considered by you in committee, did you consider a  
25 student identification card to be an acceptable form

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1 of photo ID?

2 A. I don't recall that I cared for this provision. It was a part of the bill, but I'm not sure that I -- I don't necessarily agree with every provision of every bill, so...

6 Q. Fair enough.

7 Can you tell me why you might not have agreed with this particular provision.

9 A. I think, you know, it makes it a lot more difficult for the people who are working at the polls to identify -- to know whether it's a valid ID or not, because we have 38 general academic institutions in this state and we have a bunch of health science centers and a lot of people that are issuing student ID cards, including all of our community colleges; and so I think it becomes very difficult for someone at the poll to know whether that's actually a valid ID or not.

19 Q. Would the -- would you have the same opinion of the ID listed in Number 3 there, a valid employee identification card?

22 A. Yeah.

23 Q. Number 7 is a license to carry a concealed handgun, correct?

25 A. Correct.

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1 Q. So there are seven different forms of  
2 photographic identification that were acceptable under  
3 HB 218 in this version, correct?

4 A. Correct.

5 Q. And then if you look at Subsection (b), there  
6 are 11 different forms of nonphoto ID that were  
7 acceptable under this version of the legislation,  
8 correct?

9 A. I have to read it.

10 Q. Sure.

11 A. Actually, I -- let's see. Yeah, there are  
12 11. That's correct.

13 Q. And do you recall discussing in committee any  
14 of these forms of nonphoto identification?

15 A. I don't have a specific recollection, no.

16 Q. Is there any reason that these forms of photo  
17 identification would not have been acceptable?

18 A. I don't think they're particularly good forms  
19 of identification.

20 Q. And is it your opinion that the only form of  
21 identification that can truly identify or verify who a  
22 person is is a photo identification?

23 A. I think that the way it was listed in Senate  
24 Bill 1 was -- excuse me, Senate Bill 14 was, there  
25 were primary forms of identification and secondary

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1 forms of identification; and I think that was a much  
2 more reasonable way to determine whether the person  
3 before you is really the person they said they were,  
4 so....

5 Q. Okay. But in Senate Bill 14, the secondary  
6 forms of identification are only used in order to --  
7 to obtain an ID that has a photo on it --

8 A. Right.

9 Q. -- for purposes of voting, correct?

10 A. That's correct.

11 Q. Whereas in Senate Bill -- or House Bill 218,  
12 you could actually present at the poll a form of  
13 nonphotographic identification, correct?

14 A. Under this bill, that would be true, House  
15 Bill 18 [sic].

16 Q. And can you tell me why it is that you don't  
17 think any of these forms, these 11 forms of nonphoto  
18 ID listed in this version of HB 218, would be  
19 sufficient to identify or verify a person's identity.

20 A. Primarily, it makes it very difficult for the  
21 person who's working at the polls -- they have so many  
22 things that they have to look at -- and they don't  
23 know whether it's a valid document or not.

24 Q. Do poll workers have a way to determine  
25 whether a particular license is a valid license?

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1 MS. DONNELLY: Objection. Form.

2 A. I don't know.

3 Q. (BY MS. RUDD) Do poll workers have a way to  
4 verify whether a particular Texas ID card is actually  
5 what it purports to be?

6 MS. DONNELLY: Objection. Form.

7 A. I don't know the answer to that.

8 Q. (BY MS. RUDD) HB 218 ultimately didn't get  
9 considered on the floor of the Senate; is that  
10 correct?

11 A. That's correct.

12 Q. Senator Fraser made a motion to consider  
13 HB 218 outside the regular course of business,  
14 correct?

15 A. I believe he made a motion to suspend the  
16 regular order of business to take up and consider  
17 House Bill 218.

18 Q. And when you say "the regular order of  
19 business," that's the sort of default calendar in the  
20 Senate, correct?

21 A. The regular order of business is the order of  
22 the bill -- the order that bills came out of committee  
23 numerically and by time, when they were voted out of  
24 committee. That's the regular order of business out  
25 of the Substantive Committee.

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1 Q. And in the regular order of business, bills  
2 are considered in the order that they come out of  
3 committee, correct?

4 A. Under the regular order of business.

5 Q. And if you want a bill to be considered  
6 outside the regular order, you have to suspend the  
7 regular order of business; is that right?

8 A. That's correct.

9 Q. And typically, to suspend the regular order  
10 of business, you need a two-thirds vote of Senate  
11 members present at the time?

12 A. That's true of the Senate and the House.

13 Q. Okay. Initially, when Senator Fraser made  
14 his motion to consider House Bill 218 outside the  
15 regular order of business, there were some Democratic  
16 senators missing from the Senate floor; is that  
17 correct?

18 A. I believe there were two who were not on the  
19 floor.

20 Q. And that was Senator John Whitmire?

21 A. He had been counted present, but he was not  
22 on the floor.

23 Q. Okay. And the other one was Senator Carlos  
24 Uresti; is that correct?

25 A. Correct.

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1 Q. And so the initial vote on Senator Fraser's  
2 motion passed without those two members on the floor,  
3 correct?

4 A. The motion to suspend the regular order of  
5 business was passed with two-thirds of the members  
6 present voting.

7 Q. And then -- and I'm probably going to butcher  
8 this name -- Senator Shapleigh, is that the way to  
9 pronounce that?

10 A. Shapleigh?

11 Q. Yes.

12 A. I think that's correct.

13 Q. Okay. Senator Shapleigh called for a  
14 verification of that vote on suspending the regular  
15 order of business, correct?

16 A. I'm not sure without looking, but he could  
17 have. Any member could have asked for a verification  
18 of the vote.

19 Q. Okay. And a verification of the vote  
20 required a roll call of the senators present, correct?

21 A. Correct.

22 Q. And by the time that verification occurred on  
23 the motion to consider HB 218 outside the regular  
24 course of business, Senators Whitmire and Uresti were  
25 back on the Senate floor; is that right?

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1 A. That's not my recollection, but I know that  
2 ultimately there was a second vote and that there --  
3 there were -- they were present.

4 Q. Okay. When you say that's not your  
5 recollection, do you have a different recollection of  
6 what happened?

7 A. I don't -- I don't recall that Senator  
8 Shapleigh called for a verification vote. I don't  
9 know whether he did or he didn't, and so I can't -- I  
10 don't know what you're saying is correct or not.

11 MS. DONNELLY: Counsel, we've been going  
12 about an hour. Good time for a break?

13 MS. RUDD: Let me do this one last thing  
14 and then we can take a break.

15 (Williams Exhibit 4 marked/introduced.)

16 Q. (BY MS. RUDD) Exhibit 4 is a copy of the  
17 Senate Journal from May 15, 2007; is that right?

18 A. It would appear to be.

19 Q. And if you look at the second page of that  
20 document, at the bottom of the page, there's a portion  
21 titled, "COMMITTEE SUBSTITUTE HOUSE BILL 218 ON SECOND  
22 READING."

23 Do you see that?

24 A. I do.

25 Q. And there, it says that Senator Fraser moved

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1 to suspend the regular order of business to consider  
2 CSHB 218, correct?

3 A. Would you repeat the question?  
4 Q. Sure. Just -- I'm just verifying that that  
5 says that Senator Fraser moved to suspend the regular  
6 order of business to take up consideration of CSHB  
7 218.

8 A. Correct.

9 Q. And then if you sort of read along, it looks  
10 like the motion prevailed, and then it lists the yeas  
11 and nays on the vote.

12 Do you see that?

13 A. Uh-huh.

14 Q. You have to say "yes" or "no" --

15 A. Yes.

16 Q. -- for the record.

17 And then it says absent was may Hegar, Uresti  
18 and Whitmire, correct?

19 A. Correct.

20 Q. And then at the very bottom, it says that  
21 Senator Shapleigh called for a verification of the  
22 vote?

23 A. I see that.

24 Q. Okay. So -- and you have no reason to  
25 question whether that recording in the Senate Journal

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1 is accurate, correct?

2 A. I believe that it's accurate.

3 Q. Okay. And then there was a roll call  
4 performed, correct?

5 A. Yes.

6 Q. And this time, Senators Whitmire and Uresti  
7 voted against considering CSHB 218 outside the regular  
8 course of business, correct?

9 A. Correct. The motion failed 20 to 11.

10 Q. And so no voter ID after that -- no voter ID  
11 legislation passed out of the Senate in the 2007  
12 session; is that right?

13 A. I don't believe so.

14 MS. RUDD: We can take a break.

15 (Break.)

16 Q. (BY MS. RUDD) Okay. Prior to the break, we  
17 were talking about the voter ID legislation and what  
18 happened to that legislation in the 2007 session, and  
19 now I want to move forward to the 2009 session.

20 In 2009 there was a voter ID bill introduced  
21 in the Senate, correct?

22 A. I don't recall without going back and  
23 looking, so...

24 Q. Okay. Do you recall Senate Bill 362 at all?

25 A. Not as we sit here today.

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1 (Williams Exhibit 5 marked/introduced.)

2 Q. (BY MS. RUDD) Exhibit 5 is a -- I'm going to  
3 represent to you, is the engrossed version of Senate  
4 Bill 362. Feel free to look through it. I have  
5 several questions about it.

6 A. Well, it is a version of Senate Bill 362. I  
7 can't tell you from looking at this that it's the  
8 engrossed version, but...

9 Q. Right. And I'm making that representation.  
10 I pulled it off of the Texas Legislature's website.

11 Do you recall this legislation, now that  
12 you've looked through it?

13 A. Not every detail, but I remember that we had  
14 a bill that session --

15 Q. And --

16 A. -- about it.

17 Q. And this legislation was sponsored by  
18 Senators Fraser, Estes, Nelson and Nichols, correct?

19 A. It would appear that they were the joint  
20 authors. They don't list everybody on there always.

21 Q. Do you know whether there were any other  
22 authors --

23 A. There could have been some coauthors. I  
24 can't tell by looking at this whether there were or  
25 there were not.

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1 Q. And do you know whether you were?

2 A. I don't recall.

3 Q. Everybody listed as an author on this bill is  
4 a Republican, correct?

5 A. Everybody -- yes.

6 Q. Okay. Let's go briefly through the ID  
7 requirements listed in this bill. If you turn to  
8 page 3, I'm looking at Section 6.

9 Okay. On page 3, Section 6, it says -- if  
10 you look at Section (b) right there -- "On offering to  
11 vote, a voter must present to an election officer at  
12 the polling place either: one form of identification  
13 listed in Section 63.0101(a); or two different forms  
14 of identification listed in Section 63.0101(b)."

15 Do you see that?

16 A. I see it.

17 Q. If you turn to page 5 with me, I'm going to  
18 look at the bottom of that page, Section 63.0101(a).

19 And this section lists the forms of photo  
20 identification that a voter could show at the polls in  
21 order to vote, correct?

22 A. Would you repeat the question?

23 Q. Sure. Section 63.0101(a) lists the forms of  
24 photo identification that a voter could show in order  
25 to vote at the polls, correct?

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1 A. I think what 63.010- -- I think -- excuse me.  
2 Correct, 63.0101(a) shows the forms of identification  
3 that would be acceptable. Only one form of  
4 identification would be acceptable. That's -- that's  
5 the way the legislation reads.

6 Q. Okay. And -- but all of the forms of  
7 identification listed in that section are forms of  
8 photo identification, correct?

9 A. Every form listed under Section 63.0101(a),  
10 there's a requirement that that document also have the  
11 person's photograph.

12 Q. All right. And there are six different forms  
13 of photographic identification listed in that section,  
14 correct?

15 A. Well, let me count them. Well, there's six  
16 or seven, depending on whether you count the --  
17 there's two subsections under 6(a) and (b), so it's an  
18 either -- it's an "or" thing. So I guess it -- you  
19 know, it depends on how you count it out.

20 It could be a valid identification card  
21 containing the person's photograph issued by an agency  
22 or institution of the federal government or an agency  
23 or institution or political subdivision of the State.

24 So there are six list -- subsections; but the  
25 six has two forms, and either -- and either would --

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1 you know, it's a -- either one of them will do, it  
2 looks like. So I guess there'd be seven --

3 Q. Okay.

4 A. -- the way I count it.

5 Q. Okay. But as you've just pointed out,  
6 Section 6 would have allowed a valid identification  
7 card issued by an agency or institution of the federal  
8 government or an agency, institution or political  
9 subdivision of the State, correct?

10 A. Either one.

11 Q. One of the things that's not listed here is a  
12 student ID; is that right?

13 A. I don't see it listed.

14 Q. Okay. And another thing that's not listed  
15 here is an employee identification card issued in the  
16 ordinary course of an employer's business; is that  
17 correct?

18 A. I don't see it here.

19 Q. Okay. Do you know what changed between the  
20 2007 session and the 2009 session that those two  
21 things were eliminated from the voter ID legislation  
22 that you and the Senate were considering?

23 A. You'd have to ask Senator Fraser. He was the  
24 primary author of this bill.

25 Q. Do you recall having any discussions about

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1 student ID as a form of ID that would be acceptable?

2 A. I don't have a recollection of that.

3 Q. But you were not in favor of a student ID  
4 being one of the forms of photographic identification  
5 that a voter could present at the polls?

6 A. It's my opinion that that is a weaker form of  
7 identification than the ones that are listed here.

8 Q. Is -- and then in terms of an employee  
9 identification card issued in the ordinary course of  
10 business by an employer, is it also your opinion that  
11 that is a weaker form of ID than the ones listed here?

12 A. I think it makes it more difficult for the  
13 person at the poll and a -- you don't know -- they  
14 don't know what that employer's criteria for issuing  
15 an ID card are.

16 Q. And then, if you look at Subsection (b), at  
17 the bottom of page 6, that lists nonphotographic  
18 identification that was acceptable as a way to verify  
19 someone's identity if you had two forms of any of  
20 those documents; is that right?

21 A. Would you restate the question?

22 Q. Sure. Subsection (b) here lists the types of  
23 nonphotographic identification that can be used to  
24 identify a voter at the polls, correct?

25 A. Well, I think, the way the bill reads, it

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1 says that it would require two forms. I don't think  
2 it specifies whether or not -- let me read it and see.

3 Two different forms of identification listed  
4 in 63.0101(b). And when I go over to that subsection,  
5 it says, the following documentation is acceptable as  
6 proof of identification under this chapter.

7 There is nothing in the bill that says this  
8 is nonphotographic.

9 Q. Okay. Does anything in Subsection (b)  
10 require a photograph --

11 A. I don't know the answer --

12 Q. -- expressly?

13 A. -- to that.

14 Q. So anything --

15 A. I mean, I just said that there -- it says  
16 that it requires two forms. But I don't know whether  
17 any of them would -- any of these forms would have a  
18 photograph with them or not.

19 Q. In your experience, does a voter registration  
20 certificate contain a photograph?

21 A. No.

22 Q. Does a utility bill contain a photograph?

23 A. Not to my knowledge.

24 Q. So official mail from the government, does  
25 that typically contain a person's photograph?

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1 A. It could. I don't know whether it does or  
2 not. I mean, it guess it would depend on what it is.

3 Q. There are a number of forms of ID in this  
4 Subsection (b) that are nonphotographic forms of ID,  
5 correct?

6 A. It would appear that many of them do not  
7 require a photograph. I couldn't tell you  
8 definitively that none of them do.

9 Q. Okay. So one of the things that you could do  
10 under Senate Bill 362 is present two forms of  
11 secondary identification, let's call it, listed in  
12 Subsection (b), to vote, correct?

13 A. Yes. To the best of my recollection, it  
14 would appear so.

15 Q. Did you think that Senate Bill 362 was an  
16 improvement on the legislation that was introduced in  
17 the 2007 session for voter ID? So we looked earlier,  
18 House Bill 218.

19 Did you think this Senate Bill 362 was an  
20 improvement on House Bill 218?

21 MS. DONNELLY: Objection. Form.

22 You can answer.

23 A. I can't tell you what I thought at that time.  
24 I don't recall what I thought at the time that we were  
25 considering this bill.

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1 Q. (BY MS. RUDD) But one of the things that we  
2 just discussed is that in terms of the photographic  
3 identification listed in Subsection (a) of Section  
4 63.0101, student IDs were eliminated from Senate Bill  
5 362, correct?

6 A. They're not included on the list.

7 Q. Right. And -- and employee ID cards issued  
8 in the ordinary course of business were eliminated  
9 from the list?

10 A. They're not included in Senate Bill 362.

11 Q. In your opinion, did those eliminations make  
12 this a better voter ID bill?

13 MS. DONNELLY: Objection. Form.

14 Go ahead.

15 A. I think I've already stated on the record  
16 that I thought those were weak forms of  
17 identification. I can't tell you what I thought at  
18 the time. I don't have any specific recollection  
19 about the consideration of this bill.

20 Q. (BY MS. RUDD) Okay. One of the things that  
21 happened in the 2009 session is that you proposed a  
22 rule change, a change to Senate rules; is that -- do  
23 you recall that?

24 A. I recall that I proposed a rule change. It  
25 could have been in 2009. I don't recall the exact

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1 session.

2 Q. The rule change that I'm referencing is a  
3 change that would allow any bill relating to voter  
4 identification requirements to be set as a special  
5 order and considered by the Senate on a majority vote.

6 Do you recall that rule change?

7 A. Yes, I proposed a rule change. I don't  
8 recall which session it was, off the top of my head.  
9 If you have something that could refresh my memory,  
10 I'll be glad to take a look at it.

11 (Williams Exhibit 6 marked/introduced.)

12 Q. (BY MS. RUDD) Exhibit 6 is a copy of the  
13 Senate Journal dated January 14, 2009, correct?

14 A. It would appear to be.

15 Q. And if you look at the third -- the second  
16 line [sic] down, the secretary is recorded as saying:  
17 "Senate Resolution 14 adopting the Rules of the Senate  
18 of the 80th Legislature as the permanent Rules of the  
19 Senate of the 81st Legislature with the following  
20 modifications, by Williams."

21 Do you see that?

22 A. I see that.

23 Q. Does that refresh your recollection that you  
24 proposed a rule change to the rules of the Senate in  
25 the 2009 legislative session?

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1 A. Yes.

2 Q. And that was the rule change we just  
3 mentioned, correct?4 A. My recollection would be that there were two  
5 rule changes that were proposed then: One related to  
6 special orders, the other was related to another  
7 matter on constitutional amendments by Senator Carona.

8 I don't remember the exact nature of that change.

9 Q. Was the proposed rule change on  
10 constitutional amendments a controversial rule change  
11 that session?12 A. I don't recall that it was or that there was  
13 any debate. But I don't have a -- you know, I'd have  
14 to take a look at it and see. I don't recall that  
15 there was any controversy about it.16 Q. Am I right that typically the rules for the  
17 Senate at the beginning of each session are laid out  
18 by the dean of the Senate, typically?

19 A. I don't think that's necessarily true.

20 Q. Was that true during the time that Senator  
21 Whitmire was the dean of the Senate?

22 A. I don't recall. Could have been.

23 Q. Am I right that a simple majority vote is  
24 required to adopt the Senate rules each session?

25 A. That's correct. If it's done at the

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1 beginning of the session.

2 Q. Am I correct that in this session, the 2009  
3 session, the only proposed change to the rules --  
4 strike that.5 Am I correct that voter ID legislation was  
6 the only substantive issues that was -- that could be  
7 set by special order under the proposed rule change  
8 that you laid out?9 A. I don't recall without reading the  
10 resolution. It dealt with special orders. I don't  
11 recall the exact, without taking a look at the  
12 resolution.

13 (Williams Exhibit 7 marked/introduced.)

14 MS. DONNELLY: Okay. The witness has  
15 just pointed out that this is a confidential document.

16 This is all under seal, correct?

17 MS. RUDD: Correct. Although I -- it  
18 was my understanding that -- is it all confidential  
19 documents that are under seal or is it highly  
20 confidential?21 MS. MARANZANO: I believe it's highly  
22 confidential.

23 MS. RUDD: I believe so, too.

24 MS. DONNELLY: This deposition is all  
25 under seal, though, right? So I guess it doesn't make

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1 that much difference.

2 MS. RUDD: Right.

3 MS. DONNELLY: Just for the record, 7 is  
4 marked "CONFIDENTIAL."5 Q. (BY MS. RUDD) Exhibit 7 is a copy of a  
6 resolution introduced during the 80th Legislative  
7 Session, correct?8 A. I can't determine that by the document that  
9 you've given me. This is an unsigned draft of a  
10 Senate resolution, so I can't -- just on the face of  
11 it, I can't tell you whether it is or not.12 Q. Okay. Well, if you turn with me to the last  
13 page of that document, Rule 16.07, at the bottom of  
14 the page.

15 Do you see that?

16 A. I do see that.

17 Q. That lists the matters requiring a vote of  
18 the majority members of the Senate, correct? In this  
19 version?20 A. Yes. It -- actually, what it does is, it --  
21 this is an amendment. It's not the entire rule.

22 Q. I understand that.

23 And under this amendment, the only -- the  
24 only item listed here that -- that is an item  
25 discussing a substantive piece of legislation, is Item

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1 7, correct?

2 A. Would you repeat the question?

3 Q. Sure. Maybe I asked it poorly.

4 I'm just trying to get at, in this proposed  
5 amendment, the only piece of substantive legislation  
6 listed is legislation relating to voter IDs or voter  
7 identification requirements, correct?8 A. No, I wouldn't agree with that. I'm not --  
9 you're going to have to repeat the question. I'm not  
10 sure.11 Q. Let me ask you this way: Was there any other  
12 specific legislative agenda item or issue that was  
13 made part of the rule changes or the Senate rules in  
14 the 2009 legislative session that you can recall?15 A. As I mentioned before, there were two things.  
16 We created a special order for voter ID, and then  
17 there was another matter that dealt with the  
18 Constitutional amendment that Senator Carona carried.19 Q. Okay. And Constitutional amendments aren't  
20 listed in this proposed amendment to Rule 16.07,  
21 right?22 A. Let's see. Not -- the Constitutional  
23 amendments are not listed in the amendment to Rule  
24 16.07.

25 Q. Okay. One reason to propose a change like

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1 this, allowing voter identification requirement bills  
2 to be -- to be voted on by a majority, is -- strike  
3 that.

4 Senate rules can be adopted by a majority  
5 vote, correct?

6 A. If they're adopted at the beginning of the  
7 session, that's correct.

8 Q. And as we saw in the 2007 legislative  
9 session, Senator Fraser's motion to consider voter ID  
10 legislation as a special order was not passed?

11 A. Is that a question?

12 Q. Right. Yes.

13 A. That's not correct.

14 Q. So Senator Fraser moved in the 2007 session  
15 to consider voter ID legislation as a special order in  
16 the Senate, correct?

17 A. That's not correct.

18 Q. Why is that not correct?

19 A. That wasn't his motion.

20 Q. Was it your motion?

21 A. Are you talking about in the 2007 session,  
22 was not -- he didn't make the motion and neither did  
23 I.

24 Q. Okay. What was the motion?

25 A. Why don't you get the Senate Journal out and

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1 we'll both know.

2 Q. One of the things we talked about in  
3 connection with HB 218 was that there was a motion to  
4 consider HB 218 as a special order in the Senate.

5 A. That's not my recollection.

6 Q. Do you recall talking about, just a few  
7 minutes ago, there being a motion to consider HB 218  
8 outside the regular order of business?

9 A. Yes.

10 Q. And that motion was initially passed,  
11 correct?

12 A. That's correct.

13 Q. Without the participation of two particular  
14 senators that we discussed, Senator Whitmire and  
15 Senator Uresti, correct?

16 A. That's correct.

17 Q. And thereafter, there was a roll call on the  
18 vote, correct?19 A. My recollection is that Senator Shapleigh  
20 asked for verification.

21 Q. Right.

22 A. That's different than a roll call.

23 Q. Okay. Senator Shapleigh asked for a  
24 verification that required a roll call?

25 A. The roll was called. It was a verification

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1 vote. It wasn't a roll call vote. They're different.

2 Q. Okay. And by that time, Senators Whitmire  
3 and Uresti were on the floor, and the motion failed,  
4 correct?

5 A. That's correct.

6 Q. Okay. And one of the things that would have  
7 been required for that motion to pass was a two-thirds  
8 vote of the present senators on the floor, correct?

9 A. That's correct.

10 Q. And one of the differences between that  
11 motion and what happened in 2009, is that in 2009, to  
12 pass the Senate rules, you only needed a majority  
13 vote, correct?

14 A. They're -- you're -- I'm not sure what you're  
15 asking me, because they're not related.

16 Q. Why didn't you, in 2009, make a motion to  
17 consider voter ID legislation outside the ordinary --  
18 or the regular order of business?

19 A. My recollection in 2009, is, it was  
20 considered under a special order in 2009.

21 Q. Okay. And that's -- that's a little bit  
22 different answer than what I asked.

23 Why didn't you, instead of doing what you did  
24 with the rule change here, just make a motion to  
25 consider Senate Bill 362 outside the regular order of

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1 business?

2 MS. DONNELLY: Objection. Form.

3 A. I don't understand your question.

4 MS. DONNELLY: Note my objection.

5 Q. (BY MS. RUDD) One of the things you could  
6 have done in 2009 is make a motion like Senator Fraser  
7 did in 2007 to consider Senate Bill 362 out of the  
8 regular order of business, correct?9 A. I wasn't the author of that legislation in  
10 '07 or '09, and I wouldn't have been recognized to  
11 make that motion.12 Q. Okay. One of the things that the authors of  
13 the legislation could have done in 2009 is move to  
14 consider it out of the regular order of business,  
15 correct?

16 A. Yes.

17 Q. But they didn't do that because, what had  
18 happened instead, is at the beginning of session, you  
19 proposed a rule change to the Senate rules that  
20 allowed it to be considered upon a majority vote of  
21 senators?22 MS. DONNELLY: I think we're walking up  
23 to -- very close to what other legislators thought,  
24 their motives, why they did certain things.

25 And I would instruct the witness, please

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1 do not discuss what you think, or what someone else  
2 may have done, or what their motives were. The  
3 legislative privilege is to be waived by them and not  
4 by another person.

5 THE WITNESS: Okay. Thank you. I  
6 understand.

7 A. So what's your question?

8 Q. (BY MS. RUDD) I don't remember now.

9 MS. DONNELLY: I'm sorry. I just want  
10 to make that clear, that -- because we're getting into  
11 what others may have thought or done or why they did  
12 it; and I just want to make that clear to the witness  
13 that he shouldn't go there.

14 MS. RUDD: Thanks. I'm trying to be  
15 pretty careful.

16 MS. DONNELLY: Okay.

17 Q. (BY MS. RUDD) A motion by one of the authors  
18 of Senate Bill 362 to consider that legislation out of  
19 the regular order of business wasn't necessary in the  
20 2009 session because there was this rule change put in  
21 place at the beginning of session to allow voter  
22 identification requirement bills to be considered upon  
23 a vote of the majority of the Senate, correct?

24 A. I don't think that's entirely correct.

25 Q. Okay. Correct me.

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1 A. I don't think that's my job. It's not -- I'm  
2 not here to correct you or teach you parliamentary  
3 procedure.

4 Q. Well, one of the things -- but you are here  
5 to answer my questions.

6 So one of the things that the rule change at  
7 the beginning of the 2009 session allowed you to do  
8 as -- as the Senate, is to consider voter  
9 identification bills as a special order of business;  
10 is that correct?

11 A. This -- the rule amendment that I offered in  
12 the 2009 session allowed voter identification  
13 legislation to be considered under a special order.

14 My recollection is that it had to be passed  
15 out of the Committee of the Whole by a majority vote  
16 to be able -- to be eligible to be considered under  
17 the special order provision.

18 Q. Okay.

19 A. That's my recollection.

20 Q. So adopting your proposed rule change took a  
21 majority vote of senators, correct?

22 A. That's true every session.

23 Q. Fair. And then considering voter ID  
24 legislation as a special order also took a majority  
25 vote of senators out of the Committee of the Whole,

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1 correct?

2 A. No.

3 Q. Okay. What's wrong with what I said?

4 A. Could you rephrase the question, restate the  
5 question?

6 Q. Sure. It took a majority vote of senators to  
7 consider voter ID legislation in 2009 as a special  
8 order, correct?

9 A. No.

10 Q. What's wrong with what I said?

11 A. I think that the voter ID legislation was  
12 required to be considered by the Committee of the  
13 Whole. It had to pass out of committee under the  
14 regular committee rules, which would have been a  
15 majority vote, and then it could be brought to the  
16 floor under a special order that would only require a  
17 majority vote.

18 Q. Right. Without your rule change, considering  
19 voter ID legislation as a special order, after it  
20 passed out of committee, would have required a  
21 two-thirds vote of senators present, correct?

22 A. If you were going to consider it out of the  
23 regular order of business, it would be true.

24 Q. Right. So what I'm -- what -- without your  
25 rule change, it would have required, to consider it

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1 outside the regular order of business after it passed  
2 out of committee, a two-thirds vote of senators  
3 present, correct?

4 A. If it were being considered out of the  
5 regular order of business.

6 Q. Right. Which is exactly what I just said.

7 So I'm correct?

8 A. Is that a question?

9 Q. Yes.

10 A. I think you are.

11 Q. Thank you.

12 And your rule change enabled the Senate to  
13 consider voter ID legislation outside the regular  
14 order of business by a simple majority vote, correct?

15 A. No.

16 Q. Okay. What's wrong with what I said?

17 A. I think that what this rule change -- it  
18 became a part of the regular order of business when  
19 this rule change was enacted.

20 Q. Okay. Is it the only -- was voter ID  
21 legislation the only substantive piece of legislation  
22 that was made a regular order of business by a  
23 majority vote under the rule change?

24 A. I think that it -- I don't know. You're  
25 going to have to restate your question. Let me look

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1 at this and see.

2 Yeah, I'd have to have a complete copy of the  
3 Senate rules to answer your question, because all I  
4 really have before me are the amendments.5 And so what you're asking me are  
6 some -- whether you're intending to or not -- are some  
7 fairly technical parliamentary procedures, and I can't  
8 do that unless I have a complete copy of the Senate  
9 rules before me.10 Q. Okay. We'll come back to it. Let me ask you  
11 this question instead: How long before, if you  
12 recall, the 2009 session, did you start working on  
13 this particular rule change?14 A. I don't recall. Sometime before the '09  
15 session started, but I don't recall the date.16 Q. Okay. One of the things you did is, you went  
17 back and you researched whether there had been  
18 instances in the history of the Senate where similar  
19 rule changes had been proposed at the outset of  
20 session; is that right?21 A. I think that I've testified in the D.C. Court  
22 of Appeals and on the Senate floor about that matter,  
23 and I'd refer you to that testimony. I don't have a  
24 specific recollection of -- about that at this time --

25 Q. So I'm right --

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1 A. -- without having that right in front of me.

2 Q. Okay. And I'm not asking you to recall the  
3 specifics of that particular testimony.

4 I'm just asking you whether you performed  
5 research to determine whether similar rule changes had  
6 been proposed in the history of the Senate prior to  
7 proposing this rule change in 2009?

8 A. Yes.

9 Q. Do you recall, generally speaking, how long  
10 that research took?

11 A. No.

12 Q. Did you enlist anybody else to help you with  
13 that research?

14 MS. DONNELLY: I would caution the  
15 witness that, to the extent that this invades the  
16 legislative privilege, please do not discuss it.

17 A. I -- I'm going to assert legislative  
18 privilege about that. I don't think I'm going to  
19 answer the question, so...

20 MS. RUDD: I think the fact of whether  
21 he enlisted others to help him in that research is  
22 not, itself, legislative privilege. I'm not asking  
23 him to go into the details of what he discussed with  
24 other people.

25 MS. DONNELLY: That limited question, go

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1 ahead and answer it, but only "yes" or "no."

2 A. Yes.

3 Q. (BY MS. RUDD) Okay. Can you tell me

4 approximately how many people you enlisted to help

5 research this particular question.

6 A. I don't recall.

7 Q. Is there a particular person on your staff

8 who is typically responsible for researching issues

9 for you in advance of session?

10 A. Well, my entire staff worked on those kinds  
11 of things.

12 Q. And would your entire staff have worked on  
13 this issue involving the rule change in 2009?

14 A. I don't recall the extent of their  
15 involvement. They -- they knew -- there were some of  
16 them that knew what I was working on, but I can't tell  
17 you who it was.

18 Q. Did any other senators work with you on the  
19 rule change that you eventually proposed for the 2009  
20 session?

21 MS. DONNELLY: You can answer that  
22 question, but limit it to "yes" or "no."

23 A. No.

24 Q. (BY MS. RUDD) Did you conceive of this  
25 proposed rule change entirely on your own?

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1 A. No.

2 Q. Okay. Can you tell me who assisted you in  
3 conceiving of this proposed rule change.

4 A. No.

5 Q. Is it because you don't recall?

6 A. No.

7 Q. Okay. Why can't you tell me?

8 A. I'm asserting privilege on that. I've worked  
9 with people that there was a privileged --  
10 legislatively privileged relationship.11 Q. Okay. So there were people outside of your  
12 staff that you worked on this proposed rule change  
13 with? It's a "yes" or "no" at this point.14 MS. DONNELLY: Limit it to "yes" or  
15 "no."

16 A. Yes.

17 Q. (BY MS. RUDD) And I asked you earlier whether  
18 you worked with any other senators on the proposed  
19 rule change, and you said no; is that right?

20 A. That's correct.

21 Q. Did you work with any members of the House on  
22 this proposed rule change?

23 A. No.

24 Q. Did you work with any other members of the  
25 state government on the proposed rule change?

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1 MS. DONNELLY: "Yes" or "no."

2 A. Yes.

3 Q. (BY MS. RUDD) Did you work with the  
4 governor's office on the proposed rule change?

5 A. No.

6 Q. Did you work with the lieutenant governor's  
7 office on the proposed rule change?

8 A. No.

9 Q. Can you tell me what other members of the  
10 government you worked with on the proposed rule  
11 change.12 MS. DONNELLY: I'm going to instruct the  
13 witness not to answer. Asserting legislative  
14 privilege.15 Q. (BY MS. RUDD) And I assume you're going to  
16 follow the advice of your counsel?17 A. On the advice of counsel, I'm asserting  
18 legislative privilege.

19 THE WITNESS: I'd like a brief recess.

20 MS. RUDD: Okay.

21 (Break.)

22 Q. (BY MS. RUDD) Before the break, we were  
23 talking about the rule change that you proposed in the  
24 2009 legislative session, and I was asking you how you  
25 developed that particular proposed rule change.

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1 Did you seek any legal advice on the legality  
2 of that proposed rule change?

3 A. No.

4 Q. Did you draft the proposed amendments to the  
5 Senate rules yourself?

6 A. No.

7 Q. Who drafted those proposed amendments?

8 A. I don't recall.

9 Q. Would it have been someone on your staff?

10 A. No.

11 Q. Okay. Who -- would it have been someone from  
12 the TLC?

13 A. It could have been.

14 Q. Did you consult with the TLC prior to  
15 proposing the rule change in 2009?

16 A. You mean the Texas Legislative Council --

17 Q. Yes, sir.

18 A. -- is that what you mean by that?

19 You know, I don't remember if I did or not.

20 They could have drafted it. There are people on my  
21 staff who could have drafted it, but I don't think  
22 they did. And there are others who might have helped  
23 on the, you know, lieutenant governor's staff or the  
24 officers -- there's lots of people who could have  
25 helped me. Honestly, I don't remember.

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1 Q. Okay. Earlier, I asked you whether you  
2 worked with anyone from the office of the lieutenant  
3 governor on the proposed rule change.

4 Did you work with any of the lieutenant  
5 governor's staff on the proposed rule change?

6 A. No.

7 Q. Prior to introducing this proposed rule  
8 change, you spoke to Lieutenant Governor Dewhurst  
9 about it, correct?

10 A. Would you ask the question again?

11 Q. Sure. Prior to introducing this proposed  
12 rule change at the outset of session in 2009, you  
13 spoke to Lieutenant Governor Dewhurst about it,  
14 correct?

15 MS. DONNELLY: I would instruct the  
16 witness, any private conversations you had, please  
17 don't -- please don't go into them. They're protected  
18 by legislative privilege of the other legislators.

19 With that instruction, you can answer  
20 the question.

21 A. Yes, I talked to the lieutenant governor and  
22 informed him of my intentions.

23 Q. (BY MS. RUDD) Okay. Other than a  
24 conversation when you informed the lieutenant governor  
25 of your intentions, did you have any other discussions

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1 with Lieutenant Governor Dewhurst about this  
2 particular proposed rule change?

3 A. No.

4 Q. Did you have any other discussions with any  
5 members of Lieutenant Governor Dewhurst's staff about  
6 the proposed rule change prior to introducing it?

7 A. I might have. I don't recall.

8 Q. Do you recall speaking to Bryan Hebert about  
9 the proposed rule change?

10 A. I might have. I don't have a specific  
11 recollection.

12 Q. Would Mr. Hebert be someone you typically  
13 worked with on -- on matters of importance to you  
14 during the legislative session?

15 A. I worked with him on a lot of different  
16 stuff. I don't recall whether he was on the  
17 lieutenant governor's staff or whether the lieutenant  
18 governor asked him to look at what I was doing. I  
19 mean, honestly, I don't remember.

20 Q. Did you need the lieutenant governor's  
21 approval to propose this rule change in 2009?

22 A. No. The rules are the rules of the Senate.  
23 Q. Did you tell any of the Democratic senators  
24 about your proposed rule change prior to introducing  
25 it in 2009?

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1 A. Yes.

2 Q. Who did you speak to about it?

3 A. I don't recall.

4 Q. Do you recall how far in advance of

5 introducing this proposed rule change you spoke to any

6 of the Democratic senators about it?

7 A. I don't recall the exact time frame. I know

8 that I discussed it with two or three members of the

9 Democratic caucus prior to the time that I introduced

10 it.

11 Q. Would --

12 A. I would suspect that it would have been --

13 probably Senator Whitmire would have been one of them.

14 He was the Dean of the Senate. And I might have

15 talked to Senator Van de Putte and Senator West. I

16 know that we had discussions. It could have been

17 after I introduced it or it could have been right

18 before. I don't remember.

19 Q. Do you recall how much advance notice you

20 gave those particular senators --

21 A. Not exactly.

22 Q. Okay. Was it the day before it was

23 introduced that you told them?

24 A. I don't recall.

25 Q. One of the things we were discussing before

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1 was that, at least in Senator Whitmire's tenure as  
2 Dean of the Senate, prior to 2009, he typically laid  
3 out the rules of the Senate; is that consistent with  
4 your recollection?

5 A. I can't speak to that, how it was done prior  
6 to 2009. From the '03, the '05, and the '07 session,  
7 he laid out the rules, but I can't speak to prior to  
8 that. I don't know before '03.

9 Q. Okay. But in your tenure as a Senator,  
10 while -- up until 2009 Senator Whitmire laid out the  
11 rules of the Senate?

12 A. He did in the '03 session, the '05 session,  
13 and the '07 session.

14 Q. And the reason that he didn't do so in the  
15 2009 session is because he was opposed to this  
16 proposed rule change; is that correct?

17 A. He was opposed to this, that's correct.

18 Q. And as a result, he didn't want to lay out  
19 the rules for the Senate in that particular session;  
20 is that right?

21 A. You'd have to ask him about that.

22 Q. Well, it's part of public record.

23 Do you recall that Senator Whitmire did not  
24 want to lay out the rules for the 2009 session because  
25 he was opposed to the rule change?

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1 A. If it's a matter of public record, I'm not  
2 sure why you're asking me.

3 Q. I'm asking your recollection.

4 A. Honestly, I don't remember all the details  
5 about that.

6 Q. You do recall that the proposed rule change  
7 in 2009 was relatively controversial in the Senate,  
8 don't you?

9 MS. DONNELLY: Objection. Form.

10 A. There was a lot of opposition and there was a  
11 lot of debate about the rule change.

12 Q. (BY MS. RUDD) I think you previously  
13 testified that there were about six hours of debate on  
14 the proposed rule change?

15 A. About six, six and a half hours, yeah.

16 Q. And all of the Democratic senators were  
17 opposed to the rule change; is that right?

18 A. That's correct.

19 Q. Let's talk about your research prior to  
20 introducing this proposed rule change.

21 One of the things that you said in the debate  
22 about this particular rule change was that the --  
23 similar rule changes had been made in history; is that  
24 correct?

25 A. I don't have a specific recollection. If you

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1 have something you'd like for me to look at, I'd be  
2 glad to look at it.

3 But I -- I do know, as a general matter, that  
4 special orders have been used before and bills had  
5 been considered in the regular order of business a  
6 number of times during the history of the Senate.

7 And my recollection is that there were some  
8 very significant pieces of legislation that were  
9 passed without suspending the regular order of  
10 business. I was surprised to find that when I did my  
11 research.

12 Q. Okay. So one of the things that you just  
13 said is that legislation is -- you know, has often  
14 been considered in the regular order of business in  
15 the Senate history; is that correct? Controversial or  
16 major legislation?

17 A. I didn't -- no, I don't think that's what I  
18 said.

19 Q. Okay.

20 THE WITNESS: Would you want to read  
21 back what I said? She doesn't remember.

22 Q. (BY MS. RUDD) Let me just start over.

23 A. All right.

24 Q. The regular order of business is the way  
25 things are usually considered. When they're passed

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1 out of committee, they're -- they're considered on the  
2 Senate floor as they're passed out of committee, in  
3 that particular order; is that right?

4 A. That is called the regular order of business.  
5 It's not the way all legislation is considered in the  
6 Senate.

7 Q. I understand that.

8 And then sometimes things are considered  
9 under a special order, so there's a vote to consider a  
10 piece of legislation outside the regular order of  
11 business; is that correct?

12 A. That has happened in the past. It's not as  
13 frequent.

14 Q. And the typical rule, when something is  
15 considered as a special order, is that you have to  
16 vote on something to be considered a special order by  
17 two-thirds vote of senators present, correct?

18 A. I think you've confused a special order and  
19 suspending the regular order of business. They're two  
20 different things.

21 Q. Okay. That's a subtle distinction, but I  
22 appreciate that, because you're much more familiar  
23 with the parliamentary rules than I am.

24 So considering something outside the regular  
25 order of business typically, in the Senate, required a

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1 two-thirds vote of senators present; is that correct?

2 A. That's correct.

3 Q. And then tell me how something would be

4 considered a special order instead of -- in the

5 regular order of business. How did something end up

6 being a special order?

7 A. Well, the rules define what can be considered  
8 under a special order, and a special order takes  
9 precedent over all other -- it is above the regular  
10 order of business.

11 Q. Okay. And -- and are there things that, from  
12 session to session, always come under that category of  
13 special order?

14 MS. DONNELLY: Objection. Form.

15 A. No. Not every session.

16 Q. (BY MS. RUDD) Okay. Well, are there things  
17 that are typically considered special orders as part  
18 of the Senate business?

19 A. I couldn't answer that without having a copy  
20 of the Senate rules in front of me.

21 Q. Okay. So if we went through the Senate rules  
22 for 2003, 2005, 2007, and 2009, and so forth, for all  
23 the years that you were in the Senate, you could look  
24 at those and tell me what things were typically  
25 considered special orders?

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1 A. Well, no, that's not true.

2 Q. Okay. Why is that not true?

3 A. Well, you'd have to have the Senate Journals  
4 and the Senate rules to know what was considered under  
5 a special order.

6 Q. Okay. So there are some things that aren't  
7 laid out in the Senate rules that are, nonetheless,  
8 considered a special order; is that right?

9 A. I'm not sure what you're asking.

10 What I can tell you is that I don't -- I  
11 don't recall in '03, '05, or '07, any legislation  
12 being considered under a special order.

13 There was legislative -- most legislation was  
14 passed out of the regular order of business from the  
15 Senate, and there was a lot of legislation that was  
16 passed in the regular order of business without  
17 suspending the regular order of business.

18 Q. And then in 2009, was the only piece of  
19 legislation that -- well, strike that. Let me ask you  
20 the question.

21 In 2009, was there anything considered by the  
22 Senate that was a special order?

23 A. The only thing I recall in the '09 session  
24 being considered a special order was the voter ID  
25 legislation.

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1 Q. And is the same thing true for the 2011  
2 session?

3 A. No.

4 Q. Okay. What else was considered a special  
5 order in the 2011 special session?

6 A. I don't recall any legislation being  
7 considered under the special order of business in the  
8 2011 session.

9 Q. Okay. So voter ID legislation wasn't  
10 considered in the special order of business in the  
11 2011 session?

12 A. Not to the best of my recollection.

13 Q. Voter ID in the 2011 session was declared an  
14 emergency item by the governor, correct?

15 A. I believe that's correct.

16 Q. And that permitted legislation relating to  
17 voter identification requirements to be considered in  
18 the first 30 days of the session; is that correct?

19 A. Emergency items can be considered during  
20 the -- there's two prohibitions under the  
21 Constitution: the first 30 days is for reading and  
22 reference to committee, and the second 30 days is  
23 for -- so normally, you wouldn't consider any bills on  
24 the floor during the first 60 days of the session, and  
25 so -- but if it's declared an emergency item, it can

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1 be considered.

2 Q. Okay. Going back to 2009, as we just  
3 discussed, there was a lot of debate on the proposed  
4 rule change in 2009, correct?

5 A. Yes.

6 Q. And there were a number of amendments offered  
7 by various Democratic senators to that proposed rule  
8 change, correct?

9 A. There were.

10 Q. And each time that an amendment was proposed,  
11 you moved to table the amendment; is that right?

12 A. I don't recall specifically if -- I don't  
13 recall that I took any amendments, but I don't recall  
14 that I moved to table every amendment.

15 Q. You didn't take any amendments, did you?

16 A. I don't recall that I did. But I might not  
17 have moved to table every amendment. I might have  
18 just voted on a straight up or down so I could either  
19 move to table or we could just have a straight up and  
20 down vote. And I don't recall every amendment from  
21 that early part of 2009, and what motions I made,  
22 without looking at the Senate Journal.

23 Q. Moving to table an amendment has the effect  
24 of -- if the motion to table carries, has the effect  
25 of killing the amendment, correct?

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1 A. It can't be considered again during that  
2 session.

3 Q. Right. So it has the effect of killing the  
4 amendment for that session; am I right about that?

5 A. Yes.

6 Q. Thanks. Every single vote during the debate  
7 on your proposed rule change in 2009 split along party  
8 lines; is that right?

9 A. I don't -- I don't recall. It was either  
10 party line or very close to party-line vote.

11 Q. You would stand by whatever appears in the  
12 Senate Journal on that debate?

13 A. I think that the Senate Journal accurately  
14 reflects what happened. Senator Carona had an  
15 objection to it, and I'm not sure how he voted on  
16 every single one of those amendments.

17 Q. Ultimately, your proposed rule change in 2009  
18 passed; is that correct?

19 A. It did.

20 Q. And all eight senators who were ethnic  
21 minorities voted against that rule change; is that  
22 correct?

23 A. I know that all the Democrats voted against  
24 it. I can't tell you that every ethnic minority voted  
25 against it. I don't know that.

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1 (Williams Exhibit 8 marked/introduced.)

2 Q. (BY MS. RUDD) Exhibit 8 is a copy of the  
3 Senate Journal from March 18, 2009; is that correct?

4 A. It would appear so.

5 Q. If you turn with me to page 591 of that  
6 exhibit, I want to look at the bottom half of that  
7 page.

8 A. Uh-huh.

9 Q. If you -- the title of this section is,  
10 "STATEMENT REGARDING VOTES CAST ON SENATE BILL 362."

11 Do you see that?

12 A. I do.

13 Q. And it looks like Senator West offered the  
14 following -- a number of statements on votes cast on  
15 Senate Bill 362, continuing on to page 592.

16 Do you see that?

17 A. I do.

18 Q. Number 1 is that, "The Senate is comprised of  
19 31 members, 8 of whom are ethnic minorities," and then  
20 it lists the ethnic minorities at this time; is that  
21 correct?22 A. Are you talking about Point No. 1, under the,  
23 "STATEMENT REGARDING VOTES CAST ON SENATE BILL 362"?

24 Q. Yes, sir.

25 A. It lists eight people who are ethnic

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1 minorities there. I don't know that Senator Zaffirini  
2 is an ethnic minority. She may be. And I don't know  
3 if there are any other members of the legislature who  
4 might be ethnic minorities. I don't know.

5 Q. Okay. Well, right here --

6 A. These people are asserting that they are.

7 Q. Okay. Fair enough.

8 If you look at Item No. 2, that discusses  
9 your motion to amend the rules of the Senate that  
10 we've been discussing.

11 Do you see that?

12 A. I do.

13 Q. And if you look at the last two lines of Item  
14 No. 2 there, it says the motion to amend the previous  
15 rules of the Senate prevailed by a vote of 18 to 13,  
16 correct?

17 A. Yes.

18 Q. And all eight senators who were ethnic  
19 minorities voted against the motion; is that right?

20 MS. DONNELLY: Well, you're just asking  
21 what it says, right?

22 A. That's what it says.

23 Q. (BY MS. RUDD) Do you have any reason to  
24 dispute what it says here?

25 A. No.

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1 Q. Senate Bill 362 was ultimately considered by  
2 the Committee of the Whole, correct?

3 A. I believe that's true.

4 Q. And the Committee of the Whole is just the  
5 entire body of senators making up the Senate; is that  
6 right?

7 A. That's correct.

8 Q. And eventually, the Senate -- the Committee  
9 of the Whole voted to pass Senate Bill 362 out of  
10 committee, correct?

11 A. I believe that's correct.

12 Q. And you voted to pass Senate Bill 362 out of  
13 committee, correct?

14 A. I did.

15 Q. And all of the senators who were ethnic  
16 minorities voted against passing Senate Bill 362 out  
17 of the Committee of the Whole; is that right?

18 A. You know, I don't have a specific  
19 recollection, but I know that it -- it -- it went  
20 against party lines, and the eight people who are  
21 listed here all voted against it.

22 Q. Are you aware of any ethnic minority who  
23 voted for passing Senate Bill 362 out of the Committee  
24 of the Whole?

25 A. No, I can't -- I don't know. I don't know

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1 who's an ethnic minority, who else might be.

2 Q. But you have no reason to dispute Senator  
3 West's statement in this particular Senate Journal?

4 A. No.

5 Q. After Senate Bill 362 was voted out of the  
6 Committee of the Whole, it was set as a special order;  
7 is that right?

8 A. You know, I believe it was. I don't -- I  
9 don't have a specific recollection of that. I'm sure  
10 it's in the Senate Journal. Whatever's reflected in  
11 the Senate Journal is accurate.

12 Q. Okay. Well, let's look at page 592 of the  
13 Senate Journal, Item 4.

14 A. Uh-huh. I see it.

15 Q. Does that refresh your recollection that  
16 Senate Bill 362 was set as a special order --

17 A. The Journal says that, "On March 11, 2009,  
18 the Senate voted to set Senate Bill 362, and no other  
19 bill, for special order. The vote on this special  
20 order was 19-12."

21 Q. And that's consistent with your recollection;  
22 yes?

23 A. I have no reason to believe that's not true.

24 Q. Okay. And again, all eight ethnic minorities  
25 listed here in the Senate Journal voted against

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1 sending Senate Bill 362 as a special order; is that  
2 right?

3 A. That's my recollection. And that's what it  
4 says here in the Senate Journal.

5 Q. Okay. And then ultimately, Senate Bill 362  
6 passed on the third reading; is that right? It passed  
7 out of the Senate?

8 A. It was passed out of the Senate and it was  
9 sent to the House.

10 Q. And again, the vote to pass Senate Bill 362  
11 out of the Senate was split along party lines, right?

12 A. Yes.

13 Q. With everybody who is self-identified as an  
14 ethnic minority voting against passing it out of the  
15 Senate, correct?

16 A. To the best of my knowledge, yes.

17 Q. And then, ultimately what happened, is that  
18 Senate Bill 362 didn't pass the House in that  
19 particular legislative session; is that right?

20 A. That's my recollection.

21 Q. And so voter ID legislation didn't become law  
22 in the 2009 session, right?

23 A. That's correct.

24 Q. Do you recall a piece of legislation that you  
25 conceived of called the Smile and Vote Legislation?

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1 MS. DONNELLY: Counsel, are you about to  
2 shift to another line of questioning? Our food's  
3 here.

4 MS. RUDD: Oh, then let's go off record,  
5 because, yes, I'm totally about to shift.

6 MS. DONNELLY: You're totally about the  
7 food. Yeah, and I am, too. I think everybody's  
8 hungry.

9 (Lunch break.)

10 Q. (BY MS. RUDD) Before the break, we were  
11 talking about another piece of legislation that you  
12 conceived of in 2009 called the Smile and Vote  
13 Legislation.

14 Do you recall that?

15 A. Vaguely. I don't recall the specifics of it.  
16 And, frankly, I'm not even sure if I introduced the  
17 bill, so...

18 Q. Well, that was going to be one of my  
19 questions.

20 Do you know whether you ever introduced that  
21 particular bill?

22 A. I don't recall.

23 Q. Do you recall that that piece of legislation  
24 would have required people who showed up at the polls  
25 without a voter ID to have their picture taken in

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1 order to vote?

2 A. That's my recollection of what the essence of  
3 the bill was. I don't know that there was ever a bill  
4 drafted. There may have been. I just honestly -- I  
5 don't remember.

6 Which session are we talking about?

7 Q. 2009.

8 (Williams Exhibit 9 marked/introduced.)

9 Q. (BY MS. RUDD) Exhibit 9 is a press release  
10 issued from your office on June 8, 2009, correct?

11 A. Uh-huh.

12 Q. And --

13 A. It would appear so.

14 Q. And the subject line of that press release  
15 is: "State Senator Williams Proposes 'Smile & Vote,'  
16 Legislation," correct?

17 A. Yes.

18 Q. Was it your practice to send out press  
19 releases about legislation before drafting any  
20 legislation?21 A. Sometimes we would send out a press release  
22 before the legislation was drafted, before it was  
23 actually -- I mean, if you had the idea and it was  
24 being drafted, you might send a press release out  
25 about it --

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1 Q. Okay.

2 A. -- what you intended to do.

3 Q. And what was the purpose of those type of  
4 press releases?5 A. To tell people what you were working on, get  
6 feedback.7 Q. Okay. Did you get any feedback from your  
8 constituents about this particular piece of  
9 legislation?

10 A. I don't recall.

11 Q. One of the things that this would have  
12 required, according to your press release, is for  
13 polling locations to be equipped with either digital  
14 cameras or laptop computers with cameras; is that  
15 right? I'm looking at the last paragraph of that  
16 release.

17 A. Uh-huh. Yes, that's what it says.

18 Q. And then the legislation also would have  
19 required digital photos to be held by the respective  
20 county voter registration clerk for six years,  
21 correct?

22 A. That's what it says.

23 Q. Do you recall what the purpose was of that  
24 requirement?

25 A. I think it says it here. I mean, they would

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1 be required to either show photo proof of ID or have  
2 their photograph made. I don't know what else I can  
3 add to that.

4 Q. Do you have any -- do you know why holding on  
5 to those photographs for six years would have been  
6 important?

7 A. Well, if someone came in with their voter  
8 registration card and -- with a voter registration  
9 card and they weren't that person, it might be a good  
10 idea to hang on to the photograph for a while and see  
11 if it was ever disputed. It might take a while.

12 Q. Under Senate Bill 14, poll workers aren't  
13 required to hold on to people's driver's licenses or a  
14 copy of people's driver's licenses for any amount of  
15 time, correct?

16 A. I don't believe so.

17 Q. By taking someone's photograph at the polls,  
18 how does that verify who they are?

19 A. Well, I -- I think what it says here is that  
20 if they didn't have a photo ID, all they had was a  
21 voter registration, you could take their picture; and  
22 then, if it was ever disputed that that was the  
23 person, you'd at least have a photograph of who they  
24 were.

25 I think the idea here is that if you don't

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1 require a photo ID before someone goes to vote, you  
2 can't ever prove voter -- in-person voter fraud.  
3 That's one of the fundamental things. It's very  
4 difficult to do if you don't require a photo ID.

5 Q. Is it possible to obtain a photo ID under  
6 someone else's name in Texas?

7 MS. DONNELLY: Objection. Form.

8 A. I guess it could be, if you committed fraud.

9 Q. (BY MS. RUDD) Is there any way for poll  
10 workers, today, to determine whether someone  
11 legitimately obtained a particular form of photo ID  
12 that they're showing at the polls?

13 MS. DONNELLY: Objection. Form.

14 A. If someone presents the required form of  
15 identification that they have, I think the poll worker  
16 can be fairly certain that that is who they say it  
17 was --

18 Q. (BY MS. RUDD) Are you --

19 A. -- under today's law.

20 Q. Are you aware that there have been relatively  
21 massive problems in recent history of identity fraud  
22 in the United States?

23 MS. DONNELLY: Objection. Form.

24 A. I know there have been problems.

25 Q. (BY MS. RUDD) Do you recall a problem with a

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1 bunch of people who shopped at Target having their  
2 identities stolen?

3 MS. DONNELLY: Objection. Form.

4 A. I remember hearing the news accounts. It  
5 involved their credit cards, though, not their photo  
6 identification.

7 Q. (BY MS. RUDD) It's possible, though, isn't  
8 it, if you're a person who's acting fraudulently, to  
9 go and obtain someone's ID or go obtain an ID under  
10 someone else's name?

11 MR. KEISTER: Object to form.

12 MS. DONNELLY: Object to form.

13 A. I -- I wouldn't have any idea about that.

14 Q. (BY MS. RUDD) And there's no record kept of  
15 the photo ID that's shown at the polls today so that  
16 if someone else challenges that voter's identity  
17 later, there's any way to verify it, is there?

18 A. Would you repeat the question?

19 Q. Sure. That was a jumbled question.

20 One of the things about this Smile and Vote  
21 Legislation was that it would have required a  
22 photograph to remain on file for some period of time  
23 so that if anyone ever challenged the voter's  
24 identity, there was at least a photograph to go  
25 reference to determine if the voter was who they say

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1 they were, right?

2 A. I think the idea was that if they only  
3 presented a voter registration card and no other form  
4 of ID, that if someone different was coming to use  
5 that same one, you'd be able to determine that that  
6 voter registration card was being used by different  
7 people.

8 Q. Okay. Do you --

9 A. You see what I'm saying?

10 Q. I do see what you're saying.

11 Do you have the same ability, under the  
12 current law, to go back and look at what picture  
13 someone showed at the polls to determine whether that  
14 person was who they say they were if there's a  
15 challenge to that voter's identity later?

16 MS. DONNELLY: Objection. Form.

17 Go ahead.

18 A. I think that the legislation that was passed,  
19 the Senate Bill 14 legislation, is a lot better than  
20 this idea would have been.21 And the reason I say that is, it's a very  
22 specific form of ID, it's fairly easy for the person  
23 who's working at the polls to understand and identify  
24 whether that -- if you handle a lot of driver's  
25 licenses, you're going to know the ones that aren't

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1 real -- it's easier to determine.

2 And so, by narrowing what was required -- so  
3 once they -- I don't think there's a need to retain  
4 that once you've identified that. You can look at the  
5 picture and say, "Okay, that's the person," and you  
6 know whether it's a real ID or not. There's a pretty  
7 good chance that they were -- of course, there's  
8 always a chance that there could be some fraud, too.

9 Q. Are poll workers, to your knowledge, trained  
10 in knowing how to identify what is and is not a  
11 legitimate Texas driver's license?

12 A. I think they are.

13 Q. What do you base that belief on?

14 A. I think that that's part of the training to  
15 be an election judge, is to know what is required for  
16 someone to come and vote and to then -- also to know  
17 what are the -- how do you know if that's the proper  
18 identification or not.

19 Q. Okay. And I understand that.

20 A. The Secretary of State does that. They  
21 promulgate the rules. It's not written into  
22 legislation.

23 Q. I understand what you're saying, and my  
24 question was slightly different.

25 I understand that election workers are

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1 trained in what kinds of ID are acceptable at the  
2 polls and determine whether someone has a proper form  
3 of ID.

4 What I'm asking is whether poll workers, to  
5 your knowledge, are trained in how to detect whether  
6 something is a fake ID?

7 A. I would presume they are, but I don't have  
8 direct knowledge.

9 Q. And there's nothing in Senate Bill 14 that  
10 requires poll workers to be trained in detecting  
11 whether a particular ID that's proper under the bill  
12 is, in fact, real?

13 A. I don't know, without reviewing the  
14 legislation, whether that was included in there or  
15 not. I would say that, generally, what we tried to  
16 do, was allow the Department of Public Safety to  
17 promulgate the rules about what was required to get a  
18 photo ID.

19 And there were provisions under Senate Bill  
20 14, that people be educated about what was required;  
21 and I would presume that that would include money that  
22 the Secretary of State could use to help people know  
23 which forms of ID were acceptable and what they looked  
24 like.

25 Q. Okay.

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1 A. That would be -- I'm just -- I don't have a  
2 specific knowledge of that. It would be my  
3 presumption.

4 Q. Okay. Since you mentioned the DPS and its  
5 role here, let's just talk about that for a second.

6 In 2011, you served as the chair of the  
7 Transportation and Homeland Security Committee; is  
8 that correct?

9 A. I believe that's true.

10 Q. And in that role, you had oversight of the  
11 DPS and its driver's license division --

12 MS. DONNELLY: Objection. Form.

13 Q. (BY MS. RUDD) -- is that true?

14 A. My committee had oversight. I didn't,  
15 personally, have oversight.

16 Q. Okay. Were you, in your capacity as the  
17 chair of the Transportation and Homeland Security  
18 Committee, familiar with DPS procedures in the  
19 driver's license offices in the state?

20 A. There were people that were available to me  
21 to help me understand. But it's a fairly technical  
22 area, and I couldn't -- you know, I didn't have what I  
23 would call an intimate knowledge of it, but I had  
24 access to people who could tell me about the  
25 requirements.

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1 Q. Okay. One of the issues that was raised in  
2 the debate over Senate Bill 14 was the difficulty that  
3 some people might have in obtaining a proper form of  
4 photo identification in order to vote.

5 Do you recall that?

6 A. I remember that it was discussed.

7 Q. One of the things you did in connection with  
8 voter ID legislation is, you reached out to the DPS to  
9 ask them about certain information that they had  
10 regarding ID ownership in Texas.

11 Do you recall that?

12 A. I had a lot of conversations with the  
13 Department of Public Safety, so, I mean, I don't have  
14 a specific recollection about that.

15 Q. Okay. Let me ask you, before SB 14 was  
16 passed, did you attempt to make any determination of  
17 how many registered voters in Texas had one of the  
18 required forms of ID?

19 A. I don't recall.

20 Q. Did you reach out to the DPS at any point to  
21 find out what kinds of documents a voter would be  
22 required to show in order to obtain photographic  
23 identification from the DPS?

24 A. Would you repeat the question?

25 Q. Sure. Prior to the passage of SB 14, did you

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1 ask anyone at the DPS to educate you on what  
2 might -- what documentation a person might have to  
3 show in order to obtain photographic identification  
4 from the DPS?

5 A. I'm sure I made an inquiry, but I don't have  
6 a specific recollection.

7 Q. Do you know what a person has to show in  
8 order to obtain a Texas driver's license in the state  
9 of Texas, what documentation?

10 A. Are you talking about now or in 2011?

11 Q. Let's start with 2011.

12 A. I can't recall specifically. I know that the  
13 information is available on their website. And I  
14 think, generally, it would be a -- if you had a  
15 passport, a concealed carry permit, you know, a  
16 certified copy of your birth certificate, it would be  
17 things like that.

18 And there's categories where one is  
19 called prime -- one category's called primary, the  
20 other's called secondary. And, you know, it takes two  
21 of these and only one of these.

22 Like, you'd -- if you just had your passport,  
23 that would be good enough. But if you were using  
24 something else that wasn't quite as solid as a  
25 passport, then it might take two forms, so...

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1 Q. In 2011, was a person who wanted to obtain a  
2 Texas driver's license required to bring documentation  
3 showing proof of their citizenship?

4 A. I believe they were by rule, not by law.

5 Q. Do you think that was the rule in 2011?

6 A. I believe that DPS had adopted that as a rule  
7 prior to 2011.

8 Q. Why did DPS adopt that rule, if you know?

9 MS. DONNELLY: Objection. Form.

10 A. You'd have to ask them. I think what they  
11 wanted to do was, they wanted to know who they were  
12 issuing the driver's license to. And so I think that  
13 prior to the adoption of that rule, there was some  
14 concern that people might have been fraudulently  
15 obtaining driver's licenses.

16 So the commission adopted it by rule. I  
17 don't remember the year. Sometime prior to 2011. And  
18 I think in 2011 or 2013, I carried legislation that  
19 codified the rule.

20 Q. (BY MS. RUDD) So -- well, that's an important  
21 distinction. Was it before or after SB 14 that you  
22 carried that legislation?

23 A. I don't -- I don't know.

24 Q. Let's talk about election identification  
25 certificates under Senate Bill 14.

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1           Are you familiar with what an election  
2 identification certificate is?

3       A.   Generally.

4       Q.   And that is the so-called free ID that a  
5 person can obtain from the DPS if they don't have one  
6 of the other forms of photographic identification  
7 required under SB 14, right?

8                   MS. DONNELLY: Objection. Form.

9                   Go ahead.

10      A.   I believe that's correct.

11      Q.   (BY MS. RUDD) What is required under SB 14  
12 for a person to obtain an election identification  
13 certificate, if you know?

14      A.   You know, I can't recite it to you. It's a  
15 matter of public record. And whatever is in the  
16 record, I'm sure is accurate. I mean, you could take  
17 a look at that. I can't tell you, off the top of my  
18 head.

19      Q.   Well, I don't want this to be a memory  
20 contest, so I'm just going to show you the  
21 legislation, if that will help this along.

22                   (Williams Exhibit 10 marked/introduced.)

23      Q.   (BY MS. RUDD) Exhibit 10 is a copy of the  
24 signed version of Senate Bill 14, correct, sir?

25      A.   So what's your question? I'm finished

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1 looking at it now.

2 Q. My question was just -- I just wanted you to  
3 identify the exhibit.4 A. Looks like it's the final version of Senate  
5 Bill 14 that was finally adopted and signed by the  
6 governor.7 Q. Okay. And then my prior question was: What  
8 is required under this piece of legislation for a  
9 person to obtain an election identification  
10 certificate?11 A. I'd have to look at it. It's in here. Do  
12 you want me to look and see?13 Q. I was actually looking myself to see, too.  
14 "ELECTION IDENTIFICATION CERTIFICATE," that  
15 section starts on page 13.16 MS. DONNELLY: Are you asking him just  
17 to read it?

18 MS. RUDD: Yeah, let's start with that.

19 Q. (BY MS. RUDD) So you familiarize yourself  
20 with the provisions, and then I have just a couple of  
21 questions.22 A. Okay. I've looked over that part of the  
23 bill.

24 Q. Okay.

25 A. Section 20, Subtitle B, Title 7 of the

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1 521A.001? Is that the section that you're referring  
2 to?

3 Q. Yes, sir.

4 A. On line 20 --

5 Q. Yes, sir. Let's just look at --

6 A. -- on page 13?

7 Q. Let's just look at Subsection (a) on page 13  
8 first. That subsection requires the DPS to issue an  
9 election identification certificate to a person who  
10 states that they're obtaining the certificate for  
11 purposes of satisfying the ID requirements of this  
12 legislation and does not have another form of  
13 identification and then who presents one of two items;  
14 is that correct?

15 A. It says they either have to be a registered  
16 voter or, it looks like, complete a voter registration  
17 form.

18 Q. Okay. So there's nothing in this provision  
19 of Senate Bill 14 that requires a person to bring  
20 documentation showing proof of citizenship in order to  
21 obtain an election identification certificate; is that  
22 right?

23 A. That would -- yes, I believe that's true.

24 Q. Do you know whether, today, a person can  
25 obtain an election identification certificate without

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1 showing proof of citizenship?

2 A. I don't know without looking at the DPS rules  
3 that were adopted to enact this. But if you're -- I  
4 don't believe you can register to vote in Texas if  
5 you're not a citizen of the state.6 Q. Can you obtain a voter registration card in  
7 Texas without presenting proof of citizenship in the  
8 form of a document showing --

9 A. I'm not sure.

10 Q. In order to obtain a voter registration card  
11 in Texas, can't you just attest that you're a United  
12 States citizen?

13 A. I don't know.

14 Q. Have you ever showed up anywhere and showed a  
15 document giving -- showing your proof of citizenship  
16 to obtain a voter registration card?17 A. I don't know. I've had it so long, I don't  
18 remember.19 Q. Okay. Does anything in this section of  
20 Senate Bill 14 give the DPS discretion to require  
21 documentation of proof of citizenship?22 A. Well, it's hard for me to say. If you look  
23 on page 14, on line 9, Subsection (f), it says: "The  
24 department may require each applicant for an original  
25 or renewal election identification certificate to

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1 furnish to the department the information required by  
2 Section 521.142."

3 And I don't think I have that information.  
4 It is not -- I'm not sure that it's a part of this  
5 bill. If it is, if you can show it to me, I could  
6 determine; but I don't know what 521.421 does.

7 Presumably, that's the delegation of  
8 authority to that section, but it's hard for me to  
9 determine by looking at the bill.

10 Q. Okay. Well, we can look at the DPS  
11 regulations in just a second.

12 Was one of the purposes of Senate Bill 14 to  
13 ensure that people who show up to the polls to vote  
14 are United States citizens?

15 A. I think that would have been -- I don't  
16 remember that as a primary objective, but I think the  
17 objective was that they were registered and legal to  
18 vote, and that would be one of the things.

19 I don't remember that being -- I think the  
20 purpose of the bill was to prevent in-person voter  
21 fraud. That would include people who weren't citizens  
22 of the United States who tried to vote, but I don't  
23 think that was the only thing.

24 (Williams Exhibit 11 marked/introduced.)

25 Q. (BY MS. RUDD) Exhibit 11 is Subchapter A of

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1 Title 7 of the Transportation Code, and I've only  
2 included certain portions of that here, because it's  
3 really long. And I want to look at the second page of  
4 this document, page 56.

5 At the bottom of that page is Section  
6 521.1425, and it's titled, "Information Required to be  
7 Furnished to Department."

8 Do you see that?

9 A. I do.

10 Q. If you can read through that for me, I have  
11 just a couple of questions about that.

12 A. (Witness complies.) Okay.

13 Q. If you look at page 57, at the very end of  
14 that section --

15 A. The very end of what section?

16 Q. Sorry. I'm looking in the middle of the  
17 page, end of Section 521.1425.

18 A. Okay.

19 Q. Well, first, let me ask this question: Did  
20 you carry the legislation that added this regulation  
21 to the Transportation Code?

22 A. No, I can't tell you specifically without  
23 looking at the bill. But I will tell you that I  
24 carried legislation that required people to prove that  
25 they were either a United States citizen or that they

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1 were in this country legally, to obtain a driver's  
2 license.

3 Q. And why was -- why did you carry that  
4 legislation?

5 A. Well, there were a number of reasons. Chief  
6 among them were, that if we didn't pass that  
7 provision, you would no longer be able to use your  
8 Texas driver's license to board an aircraft without  
9 this provision as a part of the law. Texas was one of  
10 the very last states in the country to put these  
11 provisions in.

12 Q. Okay. So your testimony is that without  
13 these provisions, if I showed up at Austin-Bergstrom  
14 International Airport, which is the airport I use most  
15 frequently, and flashed my driver's license, I  
16 wouldn't be able to get on a plane?

17 A. Under federal law, that's true.

18 Q. Okay. Did you have any other reasons for  
19 wanting to amend the Transportation Code to require  
20 someone to show proof of citizenship in order to  
21 obtain a driver's license?

22 A. It's not just proof of citizenship, it was  
23 proof that you were in the country legally.

24 Q. Was there any other reasons for you wanting  
25 to carry that particular piece of legislation?

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1 A. No. I mean, I think that was the principal  
2 reason, as I recall, and I think there was a lot of  
3 debate about these provisions and whatever -- you  
4 know, it -- I'd point you to the record on that. It  
5 was debated extensively on the floor of the Senate and  
6 the House.

7 Q. Did you -- so just so we're clear on when  
8 this particular change in the regulations occurred, if  
9 you look at the end of that particular section on page  
10 57, there's a reference to the 82nd Legislative  
11 Session and an effective date of September 28, 2011.

12 Is that consistent with your recollection  
13 that this particular change in the regulation happened  
14 in the 2011 legislative session?

15 A. Well, it says, actually, that it occurred in  
16 the first called session.

17 Q. Okay. It became effective on September 28,  
18 2011; is that correct?

19 A. That's what it says.

20 Q. So this became effective after Senate Bill 14  
21 became effective in May of 2011; is that correct?

22 A. Without looking at -- I don't remember the  
23 effective date of Senate Bill 14, but it's -- the law  
24 clearly passed after Senate Bill 14 did. I don't know  
25 what the effective date of 14 was.

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1 Q. Was one of --

2 A. It could have been earlier or later.

3 Q. Was one of your reasons for wanting this  
4 regulation, this amendment to the Transportation Code,  
5 so that people who applied for election identification  
6 certificates would be required to show proof of  
7 citizenship to obtain that particular form of ID?8 A. No. That's not my recollection as I sit here  
9 today.

10 Q. Okay. And this was a regular --

11 A. I think it would have done that, it would  
12 have had that effect, but I don't think that was the  
13 primary reason.14 Q. Well, was it something that you considered  
15 prior to supporting this particular change to the  
16 regulations?

17 A. I can't tell you.

18 Q. You don't recall?

19 A. Huh-uh, I don't recall.

20 Q. There's nothing in this particular regulation  
21 or this section that references electronic [sic]  
22 identification certificates; is that correct?

23 MS. DONNELLY: Objection. Form.

24 A. I don't believe there is, but I don't know.  
25 I'd have to look at Senate Bill 1.

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1 Q. (BY MS. RUDD) That would be the budget bill?

2 A. No. Senate Bill 1 would be the budget bill

3 for the 2013 session. House Bill 1 would have been

4 the budget in the 2011 session. And this would have

5 been Senate Bill 1 in the first-called session of the

6 82nd Legislature, which was a special session.

7 Q. And this regulation was passed as part of --

8 was this regulation appended as a rider to SB 1?

9 A. No. I don't believe so.

10 Q. Do you recall that in 2011 DPS -- I'm done  
11 with that document.

12 Do you recall that in 2011 the DPS was facing  
13 a lot of organizational challenges? I mean, I can be  
14 more specific if that helps you. Or the chair of the  
15 Transportation and Homeland Security --

16 A. You'd have to be a lot more specific.

17 Q. Well, are you aware of any issues the DPS was  
18 facing as an organization in 2011?

19 MS. DONNELLY: Objection. Form.

20 A. I don't have a specific recollection. If  
21 there's something that you want me to speak to, if  
22 you'll be more specific, I'll be glad to try to answer  
23 the question.

24 Q. (BY MS. RUDD) Was the DPS's budget cut before  
25 the 2011 session?

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1 A. I think that prior to the 2011 session, most  
2 of state government -- there were some exceptions,  
3 like public education. But there were budget cuts  
4 that were made prior to the session started, in  
5 anticipation of a shortfall we were going to have in  
6 the 2011 session.

7 Q. Okay. So the answer to my question is yes?

8 MS. DONNELLY: Objection. Form.

9 A. Well, I don't -- I'm not sure it is, in  
10 answer to your question. That was -- those were cuts  
11 that the governor asked for and the agencies brought  
12 forward to the Legislative Budget Board; and I was not  
13 a member of the Legislative Budget Board at that time,  
14 so I really wasn't involved in these cuts that were  
15 made prior to the session. It wasn't a legislative  
16 act that caused those cuts to be made.

17 Q. (BY MS. RUDD) As -- as the chair of the  
18 Transportation and Homeland Security Committee in  
19 2011, did you have any occasion to sit down with  
20 anybody representing the DPS and talk to them about  
21 budgetary issues they were facing?

22 A. I would have talked with them about that in  
23 my capacity as a member of the Senate Finance  
24 Committee. We dealt mostly with policy issues in the  
25 Transportation and Homeland Security Committee, so it

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1 might have come up. But, really, it would be more in  
2 my capacity as a member of the Senate Finance  
3 Committee.

4 Q. Okay. In your capacity as a member of the  
5 Senate Finance Committee, do you recall having any  
6 discussions with anyone at the DPS about budgetary  
7 problems they were facing in 2011?

8 A. I'm sure I discussed their budget. I don't  
9 remember any specific discussions about it.

10 Q. Are you aware that the DPS, in 2011, had  
11 antiquated technology --

12 MS. DONNELLY: Objection. Form.

13 Q. (BY MS. RUDD) -- in its driver's license  
14 division?

15 A. I know that I spent a lot of time and effort  
16 during the 2011 session working with the department to  
17 figure out how we could modernize and streamline the  
18 issuance of driver's licenses and election  
19 identification certificates.

20 My interest in that was primarily because I  
21 think I got -- I believe it's correct to say that we  
22 received more complaints in our office about the  
23 waiting lines at driver's license offices than any  
24 other single function of state government. So there  
25 was a problem there.

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1 Q. Okay. So were your efforts to try and  
2 modernize and streamline the process for issuing  
3 driver's license -- driver's licenses more a function  
4 of general public complaints about that process, or  
5 was it more something done in conjunction with SB 14  
6 and this whole new notion of obtaining an election  
7 identification certificate?

8 MS. DONNELLY: Objection. Form.

9 You can answer.

10 A. I think it's a matter of public record that I  
11 wanted the -- for -- just as a general policy of  
12 making state government work for the citizens, that  
13 this was something that needed to be done; but that it  
14 was also important that we address this issue if we  
15 were going to require people to have -- go to the DPS  
16 office and obtain these election identification  
17 certificates. I felt like it was important that they  
18 be able to get that in a timely and reasonable way.

19 Q. (BY MS. RUDD) And were you satisfied, prior  
20 to the passage of SB 14, that people were going to be  
21 able to obtain election identification certificates in  
22 a timely and reasonable way?

23 A. Yes.

24 Q. And why is that?

25 A. It would have been based on what my efforts

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1 were with the DPS, the discussions that I'd had, what  
2 we were doing, planning to do in the budget, and all  
3 those sorts of things.

4 Q. Okay. Let's -- let's talk about that.

5 What was your plan, prior to the passage of  
6 SB 14, for budgeting for the kinds of things that  
7 would be required to streamline and modernize the  
8 issuance of driver's licenses and electronic [sic]  
9 identification certificates?

10 A. I think it would be a mischaracterization to  
11 say that it was my plan. I think that it might be  
12 more accurate to say that I had asked the DPS to tell  
13 me, what is it going to take to solve this problem,  
14 and then work with them to mold that into something  
15 that we could put into the budget to address this  
16 issue.

17 Q. Okay. So is it fair to say, then, that  
18 whatever needed to be done to address the problem was  
19 going to be done on a going-forward basis after the  
20 passage of SB 14?

21 A. I'm not sure what you're asking. You have a  
22 legislative session that's 140 days long. We're  
23 writing -- you know, at that point, it was probably a  
24 \$120 billion budget, and you've got legislation all  
25 through the session that's passing that the budget

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1 will affect or that will affect the budget, and until  
2 you get to the very end, that's where you reconcile  
3 all of those things. So I would say that it's a  
4 contemporaneous process for 140 days.

5 The legislature's not like Congress; we're  
6 not in session all the time. And so, you know, you do  
7 these things -- it's not exactly all happening at  
8 exactly the same time, but you get to an end point  
9 where you've got to make it all match up.

10 Q. Okay. And when you got to that end point in  
11 the 2011 legislative session, were you satisfied that  
12 the DPS was going to get enough budgetary dollars to  
13 do what it needed to do to, as you said, modernize and  
14 streamline the issuance of driver's licenses and  
15 electronic [sic] identification certificates?

16 A. I think, based on what they knew at that time  
17 and what I knew at that time, I believe that was true.

18 Q. Do you recall what amount of money was  
19 allocated to the DPS for that purpose in the --

20 A. No --

21 Q. -- 2011 --

22 A. -- it wasn't -- I don't. I know that there  
23 was an amount, it was a significant amount, but I  
24 don't remember the amount.

25 Q. Well, one of the reasons I'm asking is

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1 because, having looked through a lot of the records in  
2 2011, I just really can't tell what was allocated to  
3 the DPS.

4 So it would be helpful to me if you could  
5 give me even kind of general -- like, is it 10s of  
6 millions? Is it -- I've seen -- I've seen 2 million,  
7 I've seen 3 million, I've seen 43 million, I've seen  
8 66 million?

9 Do you have any general sense?

10 A. It would be more like 66 million than 2  
11 million. It was a significant amount of money.

12 Q. Okay.

13 A. And I don't know if that would be by annum or  
14 per year, or whether it would be staggered between --  
15 there are two years in a budget, so sometimes, what  
16 the agencies do is, they'll ramp it up. They don't  
17 need the money the first year while they're planning  
18 and making orders, they need the money the second year  
19 when they're paying for it. So that's all kind of  
20 details that would have been worked out in the budget  
21 process.

22 Q. Do you know whether there were specific  
23 dollars set aside that year for the processing of  
24 electronic [sic] identification certificates?

25 A. I don't know. That would be a question that

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1 you'd be better to ask the Department of Public  
2 Safety. In general, what I recall is that their  
3 message to me was that they would be able to deal with  
4 the cost, and I don't think there was a -- I recall  
5 there wasn't a fiscal note related to the cost of  
6 this, that they felt like they could handle it in the  
7 ordinary course of business, and so -- that it  
8 wouldn't be an overwhelming problem for them.

9                   And I think, in particular, since we were  
10 giving them the money for these mega centers and  
11 mobile driver's license centers and the things that we  
12 had talked to them about, you know, I think they felt  
13 like they could take care of it.

14       Q.    Okay. You just mentioned two things, and --  
15 actually, you said a lot, but I want to focus on two  
16 things that you just said.

17                   There were mega centers, you say, set up; is  
18 that correct?

19       A.    The money was budgeted for them to open mega  
20 centers.

21       Q.    Do you know when those mega centers were  
22 actually opened?

23       A.    They were opened over a period of time, so I  
24 don't know the exact dates. The DPS could tell you.  
25 I think they opened -- we might have budgeted for five

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1 and they opened four, but I'm not sure.

2 Q. And is it fair to say that those mega centers  
3 were in heavily populated areas where the demand was  
4 higher?

5 A. I think that they were put in place to  
6 relieve the inadequate facilities that we had in  
7 heavily populated areas, so we're probably saying  
8 close to the same thing, so...

9 Q. Okay. And then the other thing that you  
10 mentioned was mobile units. Explain to me what mobile  
11 units were -- are.

12 A. Well, there were driver's license offices  
13 that weren't open every day in some rural areas of the  
14 state. And as I recall, we were encouraging them to  
15 develop mobile units, that they could have a regular  
16 circuit that they went around to address this renewal  
17 and issuance of driver's licenses, and I guess as an  
18 ancillary to the voter ID thing, so...

19 Q. Do you recall, during the testimony on SB 14,  
20 the representative from the Department of Public  
21 Safety testifying that there were 77 rural areas where  
22 there were no DPS offices in Texas?

23 A. I don't have a specific recollection, but I  
24 wouldn't dispute that. I wouldn't be surprised by it.

25 Q. Do you know whether, since the passage of

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1 SB 14, mobile units have been deployed -- and I'm  
2 going to correct myself. Let me go back.

3 There were 77 counties that didn't have DPS  
4 offices; does that sound about right to you?

5 A. It's possible, yeah. I don't -- I don't know  
6 that you're correct, but I wouldn't be surprised by  
7 that.

8 Q. Okay. And you wouldn't dispute what the  
9 DPS --

10 A. Whatever they said --

11 Q. -- testified to?

12 A. -- no.

13 Q. Do you know whether, since the passage of  
14 SB 14, mobile units have been deployed to those 77  
15 counties without DPS offices?

16 A. I don't know the answer to that. I mean,  
17 you'd have to ask DPS.

18 Q. There wasn't anything in SB 14 specifically  
19 requiring budgetary dollars to be allocated to mobile  
20 units, was there?

21 A. No. That would be very unusual. That  
22 wouldn't be a particular way that legislation was  
23 drafted.

24 Q. Do you know whether any particular dollars in  
25 the final budget in 2011 provided for the deployment

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1 of mobile units to counties without DPS offices?

2 A. I can't tell you as I sit here today. I know  
3 that we've -- I felt like we had done a -- a good job  
4 of making sure that everyone had access to a DPS  
5 office. I felt like the problem had been adequately  
6 addressed. I don't have a specific recollection of  
7 what that meant.

8 Q. Isn't it true that even after the opening of  
9 mega centers and other improvements that were made  
10 within the DPS, that more work was required to be done  
11 and is required to be done to improve the DPS's  
12 systems?

13 MS. DONNELLY: Objection. Form.

14 Go ahead.

15 A. I know that in 2013 we continued to fund what  
16 they had done, and we tried to extend that, because it  
17 had been successful. So there's always room for  
18 improvement.

19 Q. (BY MS. RUDD) Do you recall what budgetary  
20 dollars, if any, were allocated to the DPS in the 2013  
21 session?

22 A. Not off the top of my head.

23 Q. Do you recall receiving a communication from  
24 the DPS in 2012 asking for 152 million more dollars?

25 A. No. I don't have a specific recollection.

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1 If you have a document that you want to show me, it  
2 might help me remember.

3 Q. Well, I can't decide if I want to show you  
4 that document.

5 You don't have any recollection, though,  
6 generally speaking, of whether budgetary dollars were  
7 allocated to the DPS in 2013; is that right?

8 A. Ask that question again.

9 Q. Sure. Do you have any general recollection  
10 of whether there were budgetary dollars allocated to  
11 the DPS in the 2013 budget?

12 A. Oh, yes. There were.

13 Q. Do you have any general recollection of how  
14 much that money was?

15 A. I can't tell you, off the top of my head.

16 Q. Do you know whether it was more or less than  
17 the 2011 session?

18 A. It was more.

19 Q. Was it significantly more, in your mind?

20 A. Yeah, I think they had a good session. I  
21 think they got a lot -- they got new money. But I  
22 can't tell you whether it was more. I -- I think it  
23 was more, but I can't tell you without looking at the  
24 budget. And I don't know -- of course, that would  
25 depend also on whether you're talking about money that

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1 was -- if there was debt issuance proceeds that were  
2 appropriated, and things like that, that could make  
3 the money -- that could create a bulge in money.

4 Operationally, I'm fairly certain they  
5 received more money. They may have received more  
6 total dollars in 2011, because they had a big capital  
7 spending program then with all these new offices that  
8 they were trying to open.

9 So they're two different questions, whether  
10 they had more money for operations or whether they had  
11 more total dollars. I can't tell you without looking  
12 at the budgets.

13 Q. Let's talk about the education and outreach  
14 that was required after the passage of Senate Bill 14.

15 THE WITNESS: If we're going to start a  
16 new subject, let's take a break right now, okay?

17 MS. RUDD: Sure.

18 (Break.)

19 Q. (BY MS. RUDD) Just before the break -- and  
20 before I move on to this next very short segment, I  
21 just want to backtrack on one thing, and that is: I  
22 think you said that the budget in every session isn't  
23 really -- doesn't really come together until the very  
24 end of session when things get allocated and, you  
25 know, you've moved along in the session and various

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1 pieces of legislation have been passed so you know  
2 what needs to have a budget attached to it.

3 Am I characterizing that roughly correctly?

4 A. I think what I said is: It's a  
5 contemporaneous process, that there are things that  
6 affect the budget as we go through. So I wouldn't say  
7 it exactly the way you did, but...

8 Q. Is it fair to say that unless a fiscal note  
9 is attached to something, you don't know what dollars  
10 are going to be going to any particular piece of  
11 legislation until the entire budget is put together at  
12 the end of session?

13 A. No. That's not true. There are a lot of  
14 things that go into the budget that don't have a  
15 fiscal note on them. It's no --

16 Q. Okay. Fair enough.

17 When is the budget for things that don't have  
18 a fiscal note sort of set? Does that not happen until  
19 the end of session, or can it happen along the way?

20 A. Well, actually, starting, for instance, right  
21 now, for the next session is when it would start. So  
22 it's about a -- it's not quite a one-year process, but  
23 about 10 months, probably, that it takes to put the  
24 state budget together.

25 Q. And the budget doesn't become final until the

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1 end of session?

2 A. That's true. It could. But it typically is  
3 the very end of the session before you know what the  
4 budget is exactly.5 Q. Senate Bill 14, as you know, was passed very  
6 early in the session in 2011, right?

7 A. I do.

8 Q. And it was -- so it was passed by the Senate  
9 on January 25, 2011, does that --

10 A. Yeah.

11 Q. -- sound familiar?

12 A. Yeah.

13 Q. That was well before the budget came together  
14 in 2011, correct?15 A. Well, there was -- there was a draft budget  
16 that the Finance Committee would be considering, but  
17 the final budget wasn't done.18 Q. Did you know, on January 25, 2011, when SB 14  
19 was passed out of the Senate, whether there would be  
20 enough budgetary dollars to go to the things that  
21 would be required by SB 14?

22 A. Yes.

23 Q. How did you know that?

24 A. I'm a member of the Senate Finance Committee,  
25 and I discussed it with the chairman of the Senate

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1 Finance Committee and the lieutenant governor, the  
2 other members of the Senate Finance Committee; and we  
3 were committed to making sure there was enough money  
4 in the budget to address whatever issues that were  
5 related to this.

6 Q. Did you ever put together an analysis of what  
7 amount of money would be required to ensure that  
8 people who needed photo ID in any form would be able  
9 to get it before the 2012 election cycle?

10 A. I think that we -- I might have asked the  
11 Department of Public Safety to tell us what they would  
12 need to implement the provisions of Senate Bill 14 in  
13 a timely and efficient manner.

14 Q. One of the things that you didn't know was  
15 how many people in Texas would require an election  
16 identification certificate, right?

17 A. I don't know. We may have had an estimate.  
18 I don't recall.

19 Q. Did you ever perform an analysis or ask the  
20 DPS to perform an analysis of how many people in Texas  
21 who are registered -- who are able to vote lacked one  
22 of the other forms of photo identification listed in  
23 SB 14?

24 A. You know, I don't think it would have been  
25 just the Department of Public Safety. I know that

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1 there were discussions with the Secretary of State and  
2 the Department of Public Safety, and there were some  
3 estimate. I have no recollection of what that is.

4 My recollection is that the department was  
5 comfortable that they would not require an additional  
6 appropriation to be able to issue the election  
7 identification certificates.

8 Q. But what did the --

9 A. They felt like, that it would have an  
10 insignificant impact on their workload if we were able  
11 to address these other issues that they had, which I  
12 was committed to doing.

13 Q. Okay. And for those other issues -- and I'm  
14 just using your words because it's easiest -- in terms  
15 of modernizing and streamlining the issuance of  
16 driver's licenses and electronic [sic] identification  
17 certificates, that required quite a bit of money,  
18 going forward, to be able to do, right?

19 A. Well, that's a relative term. It was really  
20 not even one-half of one percent of the state budget.  
21 I mean, it was a very insignificant -- yes, is it a  
22 lot of money to you or me. If it was \$66 million,  
23 that would be a lot of money to me. If it was \$100  
24 million, if it was \$5 million, it would be a lot to  
25 me. But in the context of a \$120 billion budget, it

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1 wasn't a lot of money.

2 Q. But nevertheless, the DPS requires tens of  
3 millions of dollars after 2011 to start modernizing  
4 their systems and -- and request even more money in  
5 the 2013 session; is that right?6 A. I don't know the exact amounts, but I think  
7 that's probably a fair characterization.8 Q. Okay. Now let's turn to this other tiny  
9 subtopic of education and outreach.10 One of the things that SB did was, it  
11 required the Secretary of State's office to engage in  
12 some kind of education and outreach effort to educate  
13 voters on the new requirements of the voter ID law,  
14 correct?

15 A. It did.

16 Q. But SB 14 didn't specify what those education  
17 and outreach efforts had to look like, right?18 A. I don't recall that it does. I would be  
19 surprised if we didn't have prescriptive.20 Q. So the Secretary of State's office,  
21 essentially, under SB 14, is given discretion to  
22 determine what -- what makes sense, in terms of  
23 education and outreach for voters in Texas; is that  
24 right?

25 A. That's their job, the Secretary of State's

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1 office, is, they run the elections and that sort of  
2 thing, so we would have delegated that to them in the  
3 bill.

4 Q. Did you do any analysis of what kind of  
5 dollars might be required for the Secretary of State's  
6 office to ensure that everyone in Texas who is capable  
7 of voting knew about the new ID requirements?

8 A. I believe that the Secretary of State was  
9 asked to provide that information, or we asked if they  
10 needed any money.

11 My recollection was that there was money in  
12 their budget that was available to do that, but  
13 it's -- I don't have a specific recollection.

14 So there were some unexpended funds in their  
15 budget that I think may have been used to help address  
16 that problem. There may have been some additional  
17 money appropriated. I honestly don't remember.

18 Q. Do you have any knowledge of whether the  
19 Secretary of State's office, now, in hindsight, has  
20 had sufficient money to educate Texas voters about the  
21 new ID requirements?

22 A. To my knowledge, it hasn't been a problem, so  
23 I would say, yes, they had sufficient resources to do  
24 it. And I don't recall ever having the Secretary of  
25 State come to me when I was chair of finance or chair

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1 of transportation in Homeland Security, saying, "We  
2 needed more money for voter education."

3 Q. Do you know what kind of education and  
4 outreach the Secretary of State's office has done to  
5 educate Texas voters --

6 A. Not specifically.

7 Q. I want to just briefly run through the  
8 consideration of SB 14, just to back us up a little  
9 bit.

10 I think, as we talked about earlier, Governor  
11 Perry designated that legislation an emergency item  
12 that year; is that right?

13 MR. KEISTER: Object to form.

14 Q. (BY MS. RUDD) Designated --

15 MS. RUDD: You're right. I'll correct  
16 myself.

17 Q. (BY MS. RUDD) Governor Perry designated voter  
18 identification legislation an emergency item in 2011;  
19 is that correct?

20 A. That is correct.

21 Q. And as part of that, SB 14 was able to be  
22 considered in the first 30 days of session as a result  
23 of that emergency designation; is that right?

24 A. Yes, it was considered in the regular order  
25 of business at the beginning of the session.

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1 Q. Okay. And so you've anticipated my next  
2 question.

3 There was no need to move to suspend the  
4 regular order of business to consider SB 14, because  
5 there was nothing scheduled to be heard ahead of it at  
6 that time; is that right?

7 A. That's my recollection.

8 Q. And SB 14 eliminated all of the forms of  
9 nonphoto ID that were contained in SB 362 from 2009  
10 and HB 218 from 2007?

11 MS. DONNELLY: Object to the form.

12 You can answer.

13 A. I think that you're mischaracterizing. None  
14 of those other provisions, as you have noted, were  
15 ever enacted, so I wouldn't characterize it as saying  
16 that it eliminated those.

17 What I would say is that those provisions  
18 were not included in this version of the bill; but it  
19 didn't eliminate anything, because none of those had  
20 ever been enacted.

21 Q. (BY MS. RUDD) Okay. But for two sessions, in  
22 2007 and 2009, what the Senate in Texas considered was  
23 legislation that would have allowed voters to present  
24 one form of photographic identification or two forms  
25 of other secondary identification, correct?

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1 A. I think, generally speaking, that's true.

2 Q. And then moving forward to 2011, the  
3 legislation -- the voter identification legislation  
4 that the Senate considered, only permitted voters to  
5 present a form of photo identification in order to  
6 vote; is that correct?

7 MS. DONNELLY: Object to the form.

8 A. I think that you had -- under the provisions  
9 of Senate Bill 14, you had to have either a valid  
10 Texas driver's license or an election identification  
11 certificate, and there were maybe a couple of other  
12 things that you could have used. So there were -- you  
13 know, they all had a photo on them, so...14 Q. (BY MS. RUDD) All of them were photographic  
15 identification, right?

16 A. I think that's right.

17 Q. Do you know why, in 2011, the legislation  
18 that was put forward eliminated a voter's ability to  
19 present secondary forms of identification?

20 MS. DONNELLY: Objection to the form.

21 A. I think that you're mischaracterizing what  
22 the legislation did. I think what it did was, it  
23 provided for a form of photo identification that was  
24 free of charge; and many of those things that were  
25 secondary forms of identification in the previous

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1 bills could be used to obtain an election  
2 identification certificate. So I think the way you  
3 phrased it mischaracterized what the bill did.

4 What the bill did was, it said, you know,  
5 you're going to have really basically one of these two  
6 forms of photo identification, and a lot of the  
7 alternative forms were incorporated into what it took  
8 to get the election identification certificate. Not  
9 completely, but in general.

10 Q. (BY MS. RUDD) Okay. But in 2007 and 2009,  
11 voter identification legislation would have allowed  
12 voters to present one of those secondary forms -- or  
13 two forms of those secondary forms of identification  
14 at the polls in order to vote, correct?

15 A. They weren't ever enacted, so I think it's  
16 kind of a moot point, I mean.

17 Q. I understand.

18 But had they been enacted, that's what they  
19 would have allowed, right?

20 A. You know what? My grandfather always told  
21 me, "If 'ifs' and 'buts' were candy and nuts, we'd all  
22 have a Merry Christmas."

23 Q. That's a good saying.

24 In 2011, what the legislation did was, it  
25 required voters who didn't have one of the primary

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1 forms of photo identification to take an extra step  
2 and take their secondary forms of ID and go and get an  
3 electronic [sic] identification certificate, right?

4 MS. DONNELLY: Object to the form.

5 A. You're going to have to rephrase the  
6 question. I'm not following you.

7 Q. (BY MS. RUDD) So in 2007 and 2009, that  
8 legislation that was proposed allowed voters to go to  
9 the polls with two forms of secondary identification  
10 to identify themselves, right?

11 A. Had it been enacted that would have been  
12 true.

13 Q. And in 2011, the legislation, SB 14, didn't  
14 allow voters to preset those forms of secondary  
15 identification at the polls to identify themselves,  
16 right?

17 A. That's correct.

18 Q. Instead, what SB 14 does, is, it requires  
19 anybody who can't get one of the forms of primary  
20 photographic identification to take their secondary  
21 forms of ID to the DPS to get an electronic [sic]  
22 identification certificate; is that right?

23 A. Election.

24 Q. I'm sorry, an election identification  
25 certificate.

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1 A. That's correct.

2 Q. Can you tell me why it is, in 2011, you made  
3 the decision to exclude -- well, strike that.4 Why, in 2011, was the legislation that was  
5 proposed for voter identification limited to  
6 presenting photo ID at the polls?

7 MS. DONNELLY: Object to the form.

8 You can answer.

9 A. I think that's really a question that would  
10 be better directed to Senator Fraser, who was the  
11 primary author of the bill. He could tell you better.  
12 In both -- in all the instances, he was either the  
13 Senate sponsor or the primary Senate author. So you'd  
14 probably be better off asking him.15 I do seem to recall that other states had  
16 enacted voter identification legislation that had  
17 worked its way either all the way through the courts  
18 or partially through the courts, so there was better  
19 understanding of how the courts might view some of  
20 those things.21 Q. (BY MS. RUDD) Was it your opinion, when you  
22 were considering SB 14, that a more restrictive bill  
23 that only allowed voters to present photo  
24 identification at the polls, was a better form of  
25 voter ID legislation?

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1 A. I wouldn't characterize it that way.

2 Q. How would you characterize it?

3 A. I think SB 14 was a better bill than the  
4 bills that had been considered in the previous two  
5 sessions, because it required a more secure form of  
6 identification and it would be easier for the people  
7 who were working at the polls to determine if they  
8 were being presented with a valid form of ID or not.9 Q. One of the things we talked about earlier was  
10 this notion of student IDs being an allowed form of  
11 photographic identification at the polls.12 Was there any debate in the consideration of  
13 SB 14 about allowing student IDs?

14 A. If there was, it's a matter of public record.

15 Q. You don't have any specific recollection of  
16 that?

17 A. I don't.

18 Have you read the Journal or looked at the  
19 tapes?20 Q. I've read a lot of it, but it's pretty  
21 voluminous.22 You were against student ID as a form of  
23 photographic identification at the polls; is that  
24 right?

25 A. I wouldn't say that. I don't think it was --

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1 I don't think it was necessary to include that, but I  
2 think I voted for it in one of those bills. It was  
3 included in one of the bills.

4 So it was an improvement over what we had,  
5 but it wouldn't be the way that I would prefer. I  
6 think student ID was included in the '07 session. I'm  
7 not sure about '09.

8 Q. And to be fair, you voted to send HB 218 in  
9 the 2007 session out of committee, right?

10 A. Yes.

11 Q. And that legislation, had it been considered  
12 by the Senate, would have allowed voters to present a  
13 form of student ID, correct?

14 A. If it had not been amended. Of course, any  
15 piece of legislation, a lot of times there are bills  
16 that come out of committee that I might vote for that  
17 I thought would need improvement, but that improvement  
18 could be debated on the floor of the Senate in the  
19 form of an amendment to the legislation, so...

20 Q. Did you form an opinion at some point between  
21 2010 and 2011 that student IDs shouldn't be allowed as  
22 a form of photographic identification at the polls?

23 A. No, I don't recall. I think I've testified  
24 previously that I thought that having student IDs was  
25 not a good idea.

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1 Q. And that's because poll workers aren't able  
2 to determine whether a particular ID is authentic?

3 MS. DONNELLY: Objection. Form.

4 A. I think I've already answered the question.

5 Q. (BY MS. RUDD) Well, remind me.

6 A. I think that a student ID is not a very  
7 secure form of identification and that it's very -- I  
8 think we have 38 general academic institutions. I  
9 think we have somewhere in the neighborhood of about  
10 30 community colleges.

11 They're all issuing student IDs, and how  
12 would the poll worker know whether that was a valid ID  
13 or not? They might not even know that there was, for  
14 instance, a Ranger College. I mean, it's a state  
15 institution that issues ID cards. How would they know  
16 that.

17 Q. Okay. But most people vote in the  
18 communities where they live; isn't that right? When  
19 they go to the polls, you're voting someplace that's  
20 close to your home address?

21 A. Students vote -- in my experience, students  
22 vote either at home or at school. And also, in my  
23 experience, some of them voted both places.

24 Q. A student who shows up to the polls near  
25 their university and shows their university ID, the

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1 poll worker who lives there is probably familiar with  
2 that ID as well, right?

3 MS. DONNELLY: Objection. Form.

4 A. They may or may not be.

5 Q. (BY MS. RUDD) In any event, that got  
6 eliminated along the way, and Senate Bill 14 doesn't  
7 contain any student ID as one of the forms of ID that  
8 can be presented at the polls, right?

9 A. I believe that's correct.

10 Q. One of the other things that Senate Bill 14  
11 does not include is a state-issued ID. Is there a  
12 reason that that's not a form of secure ID, as you  
13 say?

14 A. You know, I don't -- I don't recall the  
15 specific debate about that. I think the issue is that  
16 that's a -- I'm not sure we knew what a state-issued  
17 ID was. I mean, what is that?

18 Is that your ID that you have from the AG's  
19 office? Was it the ID that I had as a member of the  
20 Senate? If I'm a resident of a mental health facility  
21 that's run by the state, is it the ID -- I mean, I  
22 don't know what that is exactly, so I think it was a  
23 vague -- vaguely defined form of identification.

24 Q. Would you say an identification issued by the  
25 AG's office isn't a secure form of identification for

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1 voting purposes?

2 MS. DONNELLY: Objection. Form.

3 A. Yeah, I don't have any basis to know what the  
4 AG's office does to vet an employee before they issue  
5 an ID. I would hope they're doing a pretty good job,  
6 but I don't have a specific knowledge of that.

7 Q. (BY MS. RUDD) One of the major concerns  
8 raised in connection with Senate Bill 14 was that  
9 there wasn't sufficient evidence of in-person voter  
10 fraud in Texas to justify strict photo ID law.

11 Do you recall that?

12 A. That was asserted by the opponents of the  
13 bill.

14 Q. Okay. What did you do prior to the passage  
15 of SB 14 to research in-person voter fraud in Texas?

16 A. I think the primary information that we  
17 received about this was from the testimony that we  
18 received either in the State Affairs Committee or in  
19 the Committee as a Whole.

20 Q. Okay. Other than the testimony about  
21 in-person voter fraud that was received in those two  
22 committees, is there any other evidence of in-person  
23 voter fraud that you collected in connection with your  
24 consideration of SB 14?

25 A. I don't know what you mean by that, evidence

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1 that I collected. How would you know if someone was  
2 committing in-person voter fraud if you didn't require  
3 them to have an ID? Can you tell me.

4 Q. Well, in-person voter fraud is a prosecutable  
5 offense in Texas, correct?

6 A. It is.

7 Q. It's subject to criminal penalties, correct?

8 A. It is.

9 Q. It was subject to criminal penalties prior to  
10 the passage of SB 14, correct?

11 A. Yes.

12 Q. And prior to the passage of SB 14, there were  
13 convictions for voter fraud in Texas; are you aware of  
14 that?

15 A. Yes.

16 Q. So how were those -- how were those instances  
17 of voter fraud detected when there was no photo ID  
18 law?

19 A. I have no specific recollection of how they  
20 were prosecuted. I know that they were fairly rare.

21 Q. Okay. You anticipated another question.

22 Prior to passing SB 14, did you have any  
23 statistical evidence showing you how many -- how many  
24 times someone in Texas had been charged for in-person  
25 voter fraud?

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1 A. The information existed, but I can't tell you  
2 what it was, so...

3 Q. Did you determine what that information or  
4 what those statistics were prior to voting for SB 14?

5 A. I was aware of it before I voted for it, yes.

6 Q. Is it true that there are relatively few  
7 instances of prosecuted in-person voter fraud in Texas  
8 that have been reported?

9 A. In relation to number of people voting, it's  
10 not very high; but I don't think that that means it  
11 couldn't influence the outcome of an election. There  
12 are a lot of elections that are decided by a handful  
13 of votes.

14 Q. Just because an election is a close election  
15 doesn't mean that there's voter fraud at work, right?

16 A. I didn't say that.

17 Q. Okay.

18 A. The point that I'm making is, that in a close  
19 election even a small amount of voter fraud can make a  
20 difference in the outcome of the election.

21 Q. One of the other major issues that was raised  
22 during the debate of SB 14 was that the legislation  
23 would disproportionately affect certain populations in  
24 Texas, including the minority community in Texas.

25 Do you recall that?

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1 A. I know that that was an assertion of the  
2 opponents.

3 Q. What did you do prior to voting for SB 14 to  
4 satisfy yourself that there would not be a  
5 disproportionate impact on the minority voting  
6 community in Texas?

7 A. Well, we took extensive testimony in the  
8 State Affairs Committee over a couple of different  
9 sessions. And while I don't have a specific  
10 recollection, I'm sure that this issue was brought up,  
11 because Senator Ellis and Senator Van de Putte had  
12 both voted against the bills, were members of that  
13 committee, and they would have raised those issues.

14 So I know it was discussed, and -- I'm  
15 certain it was discussed in -- in committee. And  
16 that's the purpose of having a bill heard before it  
17 comes to the floor, is to get those kind of things  
18 vetted.

19 Q. One of the things that happened is that a lot  
20 of interest groups representing the minority community  
21 in Texas testified against SB 14.

22 Do you recall that?

23 A. I do.

24 Q. The Texas NAACP offered testimony against  
25 SB 14.

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1 Do you recall that?

2 A. I do.

3 Q. The Mexican American Legislative Caucus had  
4 representatives testify against SB 14.

5 Do you recall that?

6 A. I do.

7 Q. And then a number of Democratic senators also  
8 offered amendments to SB 14 that addressed some of the  
9 concerns of the minority constituents in Texas.

10 Do you recall that?

11 A. I know that there were a lot of Democratic  
12 senators who offered amendments, yeah.13 Q. Were any of those amendments, to your  
14 recollection, adopted?15 A. You know, I don't recall. Most of them went  
16 up or down on a party-line vote, so -- but I don't  
17 have a -- I don't know about the number. Some may  
18 have been, some may not have been.19 Q. Ultimately, SB 14 was passed out of the  
20 Committee of the Whole, correct?

21 A. Yes.

22 Q. And you voted to pass that bill out of  
23 committee?

24 A. I did.

25 Q. And that vote was, again, along strict party

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1 lines, correct?

2 A. I believe that it was.

3 Q. And are you aware of whether any ethnic  
4 minorities in the Senate voted to pass SB 14 out of  
5 committee?

6 A. I'm not aware.

7 Q. And then, ultimately, Senate Bill 14 went  
8 into Conference Committee to resolve differences  
9 between the Senate bill and the House bill; is that  
10 right?

11 A. That would be the usual procedure.

12 Q. Okay. And that Conference Committee was  
13 appointed by Lieutenant Governor Dewhurst, correct?

14 A. For the Senate, it would have been.

15 Q. And let me just make sure I'm getting this  
16 right.17 On that committee for SB 14 was Senator  
18 Fraser, yourself, Senator Huffman, Senator Birdwell  
19 and Senator Van de Putte.

20 Does that sound correct?

21 A. I don't recall who was on the Conference  
22 Committee, but if that's what's in the Journal, I'm  
23 sure that's correct.24 Q. Okay. And of that list, Senator Van de Putte  
25 was the only Democrat on the Conference Committee,

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1 correct?

2 A. Of the people you just named, she would have  
3 been the only Democrat.4 Q. And it wasn't until a Conference Committee  
5 that this concept of electronic [sic] identification  
6 certificates was determined; is that right?

7 MS. DONNELLY: Object to the form.

8 A. I don't know what you mean by "electronic  
9 identification certificates."10 Q. (BY MS. RUDD) Sorry. I keep using that word.  
11 Election identification certificates.12 Election identification certificates were a  
13 product of the Conference Committee; is that right?

14 MS. DONNELLY: Objection. Form.

15 Go ahead.

16 A. I don't remember. Could have been.

17 Q. (BY MS. RUDD) Okay. Would you stand by the  
18 record of the consideration of SB 14 in that regard?

19 A. Whatever the record says, yeah.

20 Q. Okay. And then, ultimately, Senate Bill 14  
21 passed out of the Senate on January 25, 2011, correct?

22 A. Whatever the record says.

23 Q. And again, that vote was along strict party  
24 lines, right?

25 A. That's my recollection.

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1 Q. And there were no ethnic minorities in the  
2 Senate who voted for SB 14, right?

3 A. I'm not aware.

4 Q. Okay. Would you agree with me that there is  
5 a history of voting-related discrimination in Texas?

6 MS. DONNELLY: Objection. Form.

7 MR. KEISTER: Objection. Form.

8 A. You know, I'm not sure I can agree with that  
9 or disagree with it. I don't know that I'm in a  
10 position to do that.

11 Q. (BY MS. RUDD) Well, one of the reasons that,  
12 prior to the invalidation of Section 5 of the Voting  
13 Rights Act, that Texas was subject to Section 5, is  
14 because it's a state that has historically had  
15 discriminatory practices at the polls; isn't that  
16 right?

17 MR. KEISTER: Object to form.

18 MS. DONNELLY: Object to form.

19 A. I don't know that I agree with what you're  
20 asserting. I think that that was the premise of  
21 Section 5. I'm not sure I completely agree with it.

22 I do believe that there had been  
23 discrimination in the past, but I don't think there's  
24 any -- there was a lot of manufactured litigation  
25 about this as a result of Section 5. A lot of

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1 people -- it became a cottage industry for lawyers to  
2 go out and file lawsuits, so...

3 Q. (BY MS. RUDD) Okay. Are you aware that prior  
4 to 1966, Texas had a poll tax?

5 A. Only through reading about it. I was 10  
6 years old in 1966.

7 Q. I wasn't even alive.

8 A. Yeah.

9 Q. And we know from history that poll taxes, in  
10 general, disproportionately affected minority  
11 communities, correct?

12 MR. KEISTER: Object to form.

13 MS. DONNELLY: Object to form.

14 A. I know that poll taxes were not a good thing  
15 and that they were designed to keep poor, mostly  
16 African-American people, from being able to vote.

17 Q. (BY MS. RUDD) Are you also aware that there's  
18 a history of racially polarized voting in certain  
19 voting districts in Texas?

20 MS. DONNELLY: Objection. Form.

21 MR. KEISTER: Object to form.

22 Q. (BY MS. RUDD) Do you know what I mean by  
23 "racially polarized voting"?

24 A. I'm familiar with the technical term. I do  
25 not agree that that's necessarily the case, but I

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1 think that Section 5 and -- you know, it's sort of  
2 been manufactured by this perversion of the Voting  
3 Rights Act that was done under Section 5.

4 Q. Okay. But we still have Section 2 of the  
5 Voting Rights Act, correct?

6 A. That's the part that deals with  
7 Constitutional issues; is that correct?

8 Q. Yes.

9 A. Yeah.

10 Q. And let's talk about this issue of racially  
11 polarized voting.

12 Do you recall the redistricting in 2006?

13 MS. DONNELLY: Objection. Form.

14 We're getting far afield here. Are we  
15 going to go into redistricting questions? Because  
16 this is a voter ID case.

17 MS. RUDD: Only very tangentially.

18 MS. DONNELLY: So what was the question,  
19 again? I'm sorry.

20 Q. (BY MS. RUDD) Do you recall that there was  
21 redistricting in 2006?

22 A. I do not.

23 Q. Do you recall -- I mean, I do, just because  
24 it was big news -- Democratic representatives walking  
25 out of the Texas House to avoid passage --

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1 A. Was that in '03 or '06?

2 Q. It might have been in '03. You might be  
3 right about that.

4 Do you recall that?

5 A. I do.

6 Q. And you referenced just a minute ago that  
7 there's been a lot of litigation about these types of  
8 issues in Texas, correct?

9 MS. DONNELLY: Object to the form.

10 A. You're going to have to be more specific.

11 Q. (BY MS. RUDD) You're aware that there's been  
12 litigation about redistricting in Texas?

13 A. Yes.

14 Q. And in 2006, are you aware that the United  
15 States Supreme Court handed down a decision on  
16 redistricting in Texas in --17 A. Not specifically. I mean, if you want to  
18 give me a copy of it, I'd be glad to take a look at  
19 it.

20 Q. Okay.

21 THE WITNESS: If we're going to get into  
22 this, though, I'm going to have to take a break. I've  
23 got to go to the restroom.

24 MS. DONNELLY: Okay.

25 MS. RUDD: Okay.

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1 | (Break.)

2 Q. (BY MS. RUDD) Do you know who Henry Bonilla  
3 is?

4 A. He's a congressman.

5 Q. Well, at one point, he was a state  
6 representative in Texas.

7 Are you aware of that?

8       A.     I'm sure I may have met him, but I can't tell  
9 you that I know him.

10 Q. Okay. Let's backtrack on this notion of  
11 racially polarized voting.

12 Racially polarized voting is when, for  
13 example, the Hispanic population votes for a Hispanic  
14 representative.

15 Is that consistent with what you understand  
16 that term to mean?

17 MR. KEISTER: Object to form.

18 A. You know, I don't know what any of this has  
19 to do with voter ID. That's what I'm here to testify  
20 about.

21 Q. (BY MS. RUDD) Well, you don't need to know.  
22 All you need to do is answer my questions.

MS. DONNELLY: I object to the sidebar.

24 Q. (BY MS. RUDD) Are you familiar with the --  
25 with the phrase "racially polarized voting"?

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1 A. I've heard it before.

2 Q. What do you understand that phrase to mean?

3 A. That people vote as a block based on their  
4 race.5 Q. Are you aware that there has been a history  
6 of racially polarized voting in certain districts in  
7 Texas?

8 MR. KEISTER: Object to form.

9 A. Yeah, I couldn't tell you specifically. But  
10 I know that I've heard that assertion. I don't know  
11 that it's true.12 Q. (BY MS. RUDD) You've never done anything to  
13 investigate that assertion?

14 A. I'm not saying that.

15 Q. Have you done anything to find out whether --

16 A. I don't -- I don't have any recollection of  
17 spending any time on it. I may have, but I may not  
18 have, so... I don't have a specific recollection.19 Q. Would you have any reason to dispute the  
20 United States Supreme Court's finding that there has  
21 been a history of racially polarized voting in certain  
22 districts of Texas?

23 MS. DONNELLY: Objection. Form.

24 MR. KEISTER: Object to form.

25 A. Yeah, I'm not familiar with what you're

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1 asserting; and, you know, I'm not an attorney, so I  
2 don't know.

3 Q. (BY MS. RUDD) You, yourself, haven't done any  
4 analysis of voting patterns in Texas to determine  
5 whether there's been racially polarized voting in  
6 Texas --

7 MS. DONNELLY: Objection. Form.

8 Q. (BY MS. RUDD) -- since you've been in office?

9 MS. DONNELLY: Objection. Form. Asked  
10 and answered.

11 MS. RUDD: I don't think so.

12 A. Is there a question in there?

13 Q. (BY MS. RUDD) Right. Have you done anything  
14 independently to research whether there's been a  
15 history of racially polarized voting in Texas?

16 A. Independent of what?

17 Q. On your own. Have you looked into it?

18 A. No.

19 MS. DONNELLY: You answered it before.  
20 Just answer the same.

21 A. No.

22 Q. (BY MS. RUDD) Do you recall whether the issue  
23 of racially polarized voting was raised in connection  
24 with a debate on voter identification legislation  
25 during your tenure as a Senator?

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1 A. It might have been. I don't know.

2 Q. Were you ever prompted to make any inquiries  
3 about the existence of racially polarized voting in  
4 Texas during the consideration of voter identification  
5 legislation?

6 A. Would you repeat the question?

7 Q. Sure. Did anything ever prompt you to make  
8 inquiries about the existence of racially polarized  
9 voting in Texas as a result of the debates on voter  
10 identification legislation?

11 A. I know the issue was debated. I'm not sure  
12 what you're asking me beyond that.

13 Q. Was it an issue that worried you at all?

14 A. That worried me? We debated it. I think it  
15 was decided. I voted for the bill.

16 Q. Right. Well, my question was slightly  
17 different than that.

18 Was that a concern for you when you were  
19 debating the bill?

20 A. I don't recall.

21 Q. You don't recall one way or the other?

22 A. No, I do not.

23 Q. Would you agree with me that, as populations,  
24 African-Americans and Hispanics tend to be more  
25 economically disadvantaged than Anglos in Texas?

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1 MR. KEISTER: Object to form.

2 MS. DONNELLY: Object to form.

3 A. You know, I'm not sure that I would agree or  
4 disagree with that. I don't have anything in front of  
5 me that would indicate it one way or the other.

6 Q. (BY MS. RUDD) Have you ever done any research  
7 into that?

8 A. Not that I can recall at this time.

9 Q. Do you recall testimony during the debate on  
10 Senate Bill 14 that African-Americans are less likely  
11 to own cars than whites?

12 A. That might have been discussed, but I don't  
13 have a specific recollection.

14 Q. Did you ever do anything, independently, to  
15 look into whether African-Americans disproportionately  
16 lack access to motor vehicles in Texas?

17 A. Repeat the question.

18 Q. Sure. During the debates on Senate Bill 14,  
19 did you do anything to look into the claim that  
20 African-Americans disproportionately lack access to  
21 motor vehicles in Texas?

22 A. It may have been debated, but I don't -- I  
23 don't recall any specific details or anything I might  
24 have done related to that.

25 Q. Do you recall hearing testimony that the

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1 minority populations in Texas -- and by "minority,"  
2 I'm primarily referring to language and ethnic  
3 minorities in Texas -- have lower literacy rates than  
4 whites?

5 A. That may have been asserted, but I don't have  
6 a specific recollection.

7 Q. Did you personally look into whether language  
8 and ethnic minorities in Texas tend to have lower  
9 literacy rates than whites during your consideration  
10 of SB 14?

11 A. If it was the subject of the debate, I would  
12 have considered it during the debate, but I don't have  
13 a specific recollection of whether the issue was  
14 brought up or not.

15 Q. Is it concerning to you at all or was it  
16 concerning to you at all during the debates on SB 14  
17 that language and ethnic minorities in Texas might  
18 have lower literacy rates than Anglos?

19 A. I don't recall that that was an issue. It  
20 may have been, but I don't have a specific  
21 recollection.

22 Q. Was it concerning to you at all that language  
23 and ethnic minorities in Texas might have less access  
24 to motor vehicles than whites?

25 A. I don't have a specific recollection of that

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1 subject coming up.

2 Q. You do recall testimony from various interest  
3 groups that African-Americans and Hispanics would have  
4 disproportionate burdens as a result of SB 14, didn't  
5 you?

6 A. That was asserted by some groups.

7 Q. Did you do anything to look into those  
8 assertions or satisfy yourself about whether those  
9 assertions were accurate?

10 A. Yes. That was a part of the debate. That  
11 would have been when I considered it.

12 Q. Okay. And I understand it was part of the  
13 debate.

14 What I'm asking is slightly different, and  
15 that's whether you did anything to determine whether  
16 the assertions by those groups about the  
17 disproportionate burdens on the minority community  
18 were true.

19 A. Yes, that would have been part of what I  
20 considered during the debate, both in committee and on  
21 the floor.

22 Q. Okay. And I understand -- I understand that  
23 as a result of considering legislation, you hear  
24 testimony and you have to think about the testimony.

25 Did you do any research to determine whether

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1 the claims of the minority community that this  
2 legislation would have a disproportionate impact on  
3 their constituents was accurate?

4 MR. KEISTER: Object to form.

5 A. I -- I don't have a specific recollection.  
6 My staff might have done some work on that, but, you  
7 know, I can't -- I can't sit here and tell you that I  
8 did or I didn't.

9 Q. (BY MS. RUDD) Would you agree with me that  
10 there are fewer Hispanics and African-Americans in the  
11 Texas legislature -- serving in the Texas legislature  
12 than whites or Anglos?

13 A. I think that's true today and it was true in  
14 2011.

15 Q. Would you agree with me that the Hispanic  
16 population in Texas is continuing to grow?

17 A. I believe that's true.

18 Q. Do you know, generally, what the --  
19 percentage of the Texas population is made up of  
20 Hispanics?

21 A. I do not.

22 Q. Did you know that information in 2011?

23 A. I probably did.

24 (Williams Exhibit 12 marked/introduced.)

25 Q. (BY MS. RUDD) Exhibit 12 is a letter from the

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1 Brennan Center for Justice to Christian Herren in the  
2 voting section of the Civil Rights Division of the  
3 Department of Justice, dated September 14, 2011; am I  
4 correct about that?

5 A. Well, that's what this piece of paper says  
6 that you've just handed out here. I'm not familiar  
7 with it, but, you know.

8 Q. I understand that.

9 Okay. If you'll turn with me to page 5. If  
10 you'll look in the -- there's a Section 2 there, and  
11 then I'm looking two paragraphs into that section to  
12 the paragraph that says: "As the Texas Department of  
13 Public Safety has recently noted..."

14 Do you see that?

15 A. Uh-huh.

16 Q. Feel free to read that --

17 A. Yeah.

18 Q. -- whole paragraph. I have just a couple of  
19 questions.

20 A. (Witness complies.) Okay.

21 Q. Did you do any research, when you were  
22 debating SB 14, about what percentage of  
23 African-Americans own concealed handgun licenses in  
24 Texas?

25 A. I don't have a recollection that I did or I

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1 didn't.

2 Q. Was any statistical information about that  
3 available to you when you voted on Senate Bill 14, to  
4 your knowledge?

5 A. It may have been. I don't recall.

6 Q. Would that information have been important to  
7 you in determining whether to vote for the bill?

8 A. Probably not.

9 Q. Okay. Turn to page 6, please. And here, I'm  
10 looking at the paragraph under the bold heading number  
11 1, and feel free to read that.

12 A. The paragraph that begins, "With over 4  
13 million people...?"

14 Q. Yes, sir.

15 A. (Witness complies.) Okay.

16 Q. Prior to -- are you generally aware that the  
17 poor population in Texas is disproportionately made up  
18 of African-Americans and Latinos?

19 MR. KEISTER: Object to form.

20 A. No, I can't say that I would know that or not  
21 know that. I mean, I know that we have a lot of  
22 people that live below the poverty line in Texas, but  
23 I couldn't tell you the ethnic makeup of those people.

24 Q. (BY MS. RUDD) Okay. Did you look into the  
25 ethnic makeup of people living below the poverty line

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1 in connection with your debate about voter ID  
2 legislation in 2011?

3 A. I do not recall at this time.

4 Q. Would knowing that African-Americans and  
5 Hispanics disproportionately make up those living  
6 below the poverty line in Texas have made a difference  
7 to you in your consideration of SB 14?

8 MS. DONNELLY: Objection. Form.

9 MR. KEISTER: Object to form.

10 A. You know, the provisions of Senate Bill 14  
11 were that you could get this election identification  
12 certificate at no cost, and so I don't think that that  
13 was really an issue that I would have given a lot of  
14 consideration to.

15 Q. (BY MS. RUDD) Okay.

16 A. We wanted it to be accessible to as many  
17 people as possible.

18 Q. Well, let's talk about the EIC and cost.

19 The underlying documentation that's required  
20 to obtain an EIC does cost money, correct?

21 MS. DONNELLY: Objection. Form.

22 A. Some of it might cost money, some of it might  
23 not.

24 Q. (BY MS. RUDD) Would you agree with me that it  
25 takes time to go to a DPS office to obtain an EIC?

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1 A. It does.

2 Q. Would you agree that it takes more time for  
3 someone to go to a DPS office to obtain an EIC if  
4 there's no DPS office in their county?

5 A. It could or it might not.

6 Q. Would you agree with me that for some people,  
7 they would have to take off work to go obtain an EIC?

8 A. Some people might have to do that.

9 Q. Do you consider taking off of work a cost to  
10 obtaining an EIC?11 A. You know, I guess it would be. I'm not sure.  
12 I mean, it's -- if you -- if you need a -- an election  
13 identification certificate or if you need a driver's  
14 license, whatever it is, you're going to have to go  
15 get that from the State. Everybody has to do that.16 Q. Right. But prior to Senate Bill 14 being  
17 passed, you didn't have to go to the DPS office to get  
18 anything in order to vote in Texas, right?19 MS. DONNELLY: Objection. Form.  
20 Argumentative.21 A. That may be true. Some people may have  
22 registered to vote in a DPS office. It was possible  
23 to do that.24 Q. (BY MS. RUDD) You could also register to vote  
25 online, though, right?

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1 A. You could, if you had access to a computer.

2 Q. You could also register to vote by mail,  
3 right?

4 A. If you had access to a post office.

5 Q. Or access to a mailbox in the front yard,  
6 right?

7 A. (No verbal response.)

8 Q. Would you agree with me that having to spend  
9 money on gas for your car or to get onto public  
10 transportation to go to a DPS office to get an EIC  
11 represents a cost?

12 MR. KEISTER: Object to the form.

13 MS. DONNELLY: Object to the form.

14 A. Clearly, if you're going to have to go  
15 somewhere, it's going to -- that's part of the cost of  
16 life, is having to get around to get your certificates  
17 and licenses and all those kinds of things.18 Q. (BY MS. RUDD) Would you turn with me to page  
19 7 of Exhibit 12. I'm looking at the second paragraph  
20 under Subparagraph -- or the Section 2 there, starts:  
21 "The latest census data..."

22 Do you see that?

23 A. I do.

24 Q. Read that to yourself. I have a couple of  
25 questions about that.

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1 A. (Witness complies.) Okay.

2 Q. Prior to voting on Senate Bill 14, did you  
3 look into this issue of whether African-Americans and  
4 Latino citizens in Texas disproportionately lacked  
5 access to motor vehicles?

6 MS. DONNELLY: Objection. Form.

7 You can answer.

8 A. First of all, I would say that with respect  
9 to this entire document that I have before me, I have  
10 no idea whether these assertions are true. This is a  
11 viewpoint of an advocacy group.12 The second thing I would say, is that -- with  
13 respect to your specific question, is, that that would  
14 have been something that we considered both in  
15 committee, in the State Affairs Committee, in the  
16 Committee of the Whole, and it would have been the  
17 subject of floor debate.18 So if you're asking me if I considered these  
19 things -- I listened carefully to everybody's  
20 viewpoint; I may not always agree with it -- but, yes,  
21 this would have been something that we would have  
22 considered during the process.23 Q. (BY MS. RUDD) Did it concern you, in voting  
24 on SB 14, that African-Americans and Latinos might  
25 disproportionately lack access to a motor vehicle?

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1 MR. KEISTER: Object to the form.

2 MS. DONNELLY: Objection. Form.

3 A. I voted for the bill. And I don't believe  
4 that there was anything in the bill that has prevented  
5 any African-American from being able to obtain an  
6 election identification certificate if they needed one  
7 to vote, if they didn't already have a driver's  
8 license.

9 Q. (BY MS. RUDD) Did you do anything -- was  
10 there anything in SB 14 that ameliorates the cost to  
11 obtaining an EIC for indigents, people who are  
12 indigent in Texas?

13 A. It was free. If you -- if you didn't have  
14 one of the other forms of ID, the document -- the  
15 election identification certificate was free.

16 Q. Okay. But one of the things we discussed is,  
17 you'd have to actually get to a DPS office to get an  
18 EIC, right?

19 MR. KEISTER: Object to the form.

20 A. I believe that's correct.

21 Q. (BY MS. RUDD) And there are people in Texas  
22 who don't have cars, right?

23 MS. DONNELLY: Objection. Form.

24 A. I presume there are, yeah.

25 Q. (BY MS. RUDD) And there are many people in

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1 Texas who can't afford public transportation, right?

2 A. There could be.

3 Q. Did you consider including in SB 14 an  
4 exception for -- to the photo identification  
5 requirement, for people who are indigent?6 A. If it was brought up in -- either in  
7 committee -- in the State Affairs Committee or in the  
8 Committee of the Whole, in the case of Senate Bill 14;  
9 or if it was brought up in the floor debate -- I would  
10 have considered it.

11 Q. And --

12 A. I don't have a specific recollection as we  
13 sit here today, all these years later.14 Q. In any event, there is no exception in SB 14  
15 for people who are indigent in Texas, correct?16 A. I think the election identification  
17 certificate is free of charge. That is the exception.

18 Q. Sorry. I misspoke.

19 There's no exception to the photo ID  
20 requirement for people who are indigent; is that  
21 right?

22 A. No. The certificate is free.

23 Q. Except for all the other costs we've  
24 discussed, right?

25 MS. DONNELLY: Object. Argumentative.

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1 MR. KEISTER: Form.

2 Q. (BY MS. RUDD) I understand that the  
3 certificate itself isn't free, but we've discussed a  
4 number of things that would represent a cost to  
5 certain people in Texas, right?

6 MS. DONNELLY: Object. Form.  
7 Argumentative.

8 A. You have discussed them. You've asserted  
9 that. I've said I'm not sure that what's in this  
10 letter -- I'm not accepting this at face value. I  
11 don't know whether it's true or not. If it was  
12 debated in the committee, I would have considered it.

13 Q. (BY MS. RUDD) I understand that, which is why  
14 I'm not asking you to affirm or deny anything that's  
15 contained in this letter. I'm just using it as a  
16 reference point, mostly for me.

17 But you -- you agreed with me earlier, right,  
18 that getting in a car and driving to a DPS office and  
19 paying for the gas that goes in that car represents a  
20 cost, right?

21 MR. KEISTER: Object to the form.

22 MS. DONNELLY: Object to the form.

23 A. Yeah, I believe that I did. And I think, you  
24 know, it's part of the cost of life that we all bear.

25 Q. (BY MS. RUDD) And if you have to travel 100

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1 miles to get to a DPS office, that's going to  
2 represent a cost to you, correct?

3 MS. DONNELLY: Object to the form.

4 A. If you have to travel for what?

5 Q. (BY MS. RUDD) To get an EIC.

6 A. Yeah, that would be something that you'd have  
7 to pay for.

8 Q. And so even though an EIC is itself free,  
9 there are certain costs that are implicit in obtaining  
10 an EIC, would you agree with me on that?

11 MR. KEISTER: Object to form.

12 MS. DONNELLY: Object to form.

13 A. I'm not sure I would.

14 Q. (BY MS. RUDD) Why aren't you sure?

15 A. Well, because there's a lot of opportunities  
16 that people could have; where they could ride with a  
17 neighbor, there's free transportation, there's -- they  
18 might not be able to walk to get one. There's a lot  
19 of exceptions. So you're making a pretty broad  
20 statement there, so...

21 Q. Did you talk to anyone in your consideration  
22 of SB 14 that felt they weren't going to be able to  
23 get an EIC?

24 A. Yes, I'm sure that we did. I don't have a  
25 specific recollection. But there was -- no doubt,

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1 somebody testified in committee about it. But I don't  
2 have a specific recollection of it. I suspect that  
3 there probably was.

4 I do recall that there was a young woman who  
5 testified in the federal district court in Washington,  
6 D.C. that she couldn't get an EIC, or any other form  
7 of identification, but she was able to obtain an  
8 airline ticket and get on the airplane. If she had  
9 done that, she would have had what was necessary to  
10 vote. That's my recollection.

11 Q. Are you aware that there are ways you can get  
12 onto an airplane without a form of photo  
13 identification, by answering questions at the airport?

14 A. I am aware of that.

15 Q. If you'll turn with me to page 8 of Exhibit  
16 12, I only have one more thing to ask you about on  
17 this exhibit, and then we'll be done.

18 If you'll look at the bottom of page 8, the  
19 paragraph under that Section 3, starting, "Not only do  
20 Texas's minority citizens..."

21 Do you see that?

22 A. Uh-huh.

23 Q. If you could read that paragraph, that would  
24 be great. I just have two questions.

25 A. (Witness complies.) Okay.

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1 Q. Do you recall testimony during your  
2 consideration of SB 14 that certain minority citizens  
3 in Texas, including specifically the Latino community  
4 in Texas, would have to travel proportionately greater  
5 distances to get to DPS offices?

6 A. I don't have a specific recollection. It may  
7 have been part of the debate. I'm -- I'm sure that it  
8 probably was, but I don't have a specific  
9 recollection.

10 Q. Did you do anything, or anyone in your  
11 office, do anything to independently research or  
12 investigate that claim?

13 A. Once again, the committee process and the  
14 whole debate is where we consider the effects of  
15 legislation, and that's what I did.

16 Q. Okay. And I understand that.

17 I'm just asking if you took any additional  
18 steps to go out and satisfy yourself about what access  
19 certain communities in the --

20 A. I can't recall.

21 Q. Okay. And was it concerning to you, when you  
22 were voting on SB 14, that the Latino population in  
23 Texas might live disproportionately further from DPS  
24 offices?

25 MR. KEISTER: Object to form.

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1 MS. DONNELLY: Object to form.

2 A. I am not sure that it was something that I  
3 was worried about when I voted for it. I think my  
4 concerns had been satisfied.

5 Q. (BY MS. RUDD) One of the things that the  
6 minor -- or the Democratic opposition, I should say,  
7 was pretty vocal about, in the debates about Senate  
8 Bill 14, is that there was really no significant  
9 in-person voter fraud in Texas, right?

10 A. I'm not sure. They may have asserted that,  
11 but I'm not sure that I agree that that's true.

12 Q. I understand that. I just -- my only point  
13 is that that was part of what opposition was lodged  
14 against this legislation, is that it didn't -- there  
15 was no real in-person voter fraud to combat.

16 Do you recall that?

17 A. Well, you know, once again, what I would say  
18 is that voter fraud is very difficult to detect if you  
19 don't require an ID when someone votes. How are you  
20 going to know if they're committing fraud if you don't  
21 ask them for an ID? So it's very difficult to detect  
22 unless you require some form of identification.

23 Now, it's -- I have a lot of anecdotal  
24 evidence that it happens. My grandfather voted for 62  
25 years in the Democratic primary after he died.

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1 Q. And I've certainly seen that testimony both  
2 from you and in the Senate Journal, and I appreciate  
3 that.

4 Most of the evidence that was presented on  
5 in-person voter fraud during the debate on SB 14 was  
6 that type of anecdotal evidence; isn't that right?

7 MS. DONNELLY: Objection. Form.

8 A. The -- it's difficult if you don't require --  
9 clearly, he had been dead since my mother was two; and  
10 clearly, he had been voting. And my grandmother tried  
11 to get him taken off the voter rolls, and the  
12 Democratic people in Harrison County who ran the  
13 courthouse said, "No, he voted in the last election,  
14 he's not dead."

15 Q. (BY MS. RUDD) And I appreciate the anecdote,  
16 but what my question was, is: Most of the evidence  
17 that you considered in the debates about SB 14 was  
18 that type of anecdotal evidence of in-person voter  
19 fraud, correct?

20 A. Some was, some was not.

21 Q. Can you tell me what kinds of statistical  
22 evidence you had of in-person voter fraud in Texas at  
23 the time you were debating SB 14, if any.

24 A. I can't recall. I mean, I can recall other  
25 instances, like, in Harris County, where we had 23

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1 people that were voting at an address that was an  
2 apartment building that had been razed; and so they  
3 voted pretty consistently for a number of years, and  
4 there was no residence at the address.

5 So I don't know if you consider that  
6 statistical evidence or not, but there hadn't been a  
7 house there while they were voting, there hadn't been  
8 an apartment building. Somebody was voting from that  
9 address, and it looks like fraud to me.

10 Q. There are 13 million, approximately,  
11 registered voters in Texas, correct?

12 A. I have no idea.

13 Q. I think that that's something -- that's a  
14 statement you made on the record in the debates of  
15 SB 14.

16 A. I wouldn't dispute it, then.

17 Q. Would you say that 23 people out of 13  
18 million is a statistically significant number?

19 MS. DONNELLY: Objection. Form.

20 A. What I would say is that there are a number  
21 of elections. I think of Vicki Truitt's election  
22 in -- up in the Dallas area and she won by 15 or 20  
23 votes in one of her election cycles.

24 So it really is not appropriate to  
25 statistically analyze it on the basis of how many

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1 total voters there are and what the percentage is.  
2 The effect on the outcome of a particular election  
3 depends on how close the election is, not how much  
4 voter fraud is committed. Any amount of voter fraud  
5 is too much, in my mind.

6 Q. (BY MS. RUDD) Okay. So if -- I think your  
7 testimony is that one in-person vote that's fraudulent  
8 is one fraudulent vote too many?

9 A. I think that's correct. We can't stop it  
10 all, but we've got to do the best that we can.

11 Q. And the statistical evidence of voter fraud  
12 in Texas is less important to you than this notion  
13 that a particular vote or number, handful of votes,  
14 could swing an election?

15 MS. DONNELLY: Objection. Form.

16 A. I don't think you understand what I'm saying.  
17 What I'm saying is, that it's not appropriate  
18 statistical analysis to look at it for the entire  
19 state. You have to look at it and how it would affect  
20 the outcome of a particular election, not just a  
21 statewide election, but an election for county  
22 commissioner, an election for precinct judge, an  
23 election for, you know, state representative.

24 I mean, and it -- you know, but you can't  
25 say, "Oh, well, it's just a percentage of the 23 or 25

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1 million or 13 million," or whatever it might be.

2 That's not an appropriate statistical analysis. It's  
3 irrelevant.4 Q. Are you aware of any election in Texas that  
5 has been decided by fraudulent -- in-person fraudulent  
6 votes?

7 MS. DONNELLY: Objection. Form.

8 Go ahead.

9 A. I think that it would be very difficult to  
10 prove that since, until recently, we didn't require  
11 voter ID. How would you prove that that was the case?12 Q. (BY MS. RUDD) So the answer to my question --  
13 let me just ask it again.14 Are you, as you sit here today, aware of any  
15 election in the history of Texas that has been swung  
16 by in-person fraudulent votes?

17 MR. KEISTER: Object to the form.

18 MS. DONNELLY: Object to the form.

19 A. Many would assert that Lyndon Johnson was  
20 elected by fraudulent votes, so...

21 Q. (BY MS. RUDD) I've read those books.

22 But you're not specifically aware --

23 A. He knows of some, I'll bet you, up in Lufkin.  
24 He grew up behind the pine curtain. He's seen voter  
25 fraud, I guarantee you.

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1 MR. BRAZIL: Curtain. I haven't heard  
2 that before.

3 Q. (BY MS. RUDD) As you sit here today, are you  
4 personally aware of any election in Texas that's been  
5 swung by --

6 A. Yes.

7 Q. -- in-person fraudulent votes?

8 A. Yes.

9 Q. In-person fraudulent votes?

10 A. Yeah.

11 Q. What election was that?

12 A. It was an election for road utility district  
13 members in my home county of Montgomery County.

14 Q. When was that election?

15 A. Could have been 2010 or 2012, I'm not sure.  
16 People showed up and represented that they lived in  
17 the district. They didn't.

18 The vote was -- the election was overturned  
19 by a state district judge. And then, later, two of  
20 the people were sentenced to three years in prison and  
21 a \$10,000 fine each, is my recollection. There were  
22 some other people that got probation or something,  
23 too.

24 Q. As a result of that incident, did the  
25 election get decided in the opposite direction?

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1 A. Yes, it did.

2 Q. Okay. And other than that, are you aware of  
3 any other incidences where an election in the state of  
4 Texas was decided by in-person fraudulent votes?

5 A. Not that I can recall, off the top of my  
6 head.

7 Q. Would you agree with me that absentee ballot  
8 fraud is a problem in Texas?

9 A. I don't know whether it is or not.

10 Q. Do you recall hearing testimony during your  
11 debate of SB 14 about absentee ballot fraud?

12 A. Yes.

13 Q. Do you recall hearing that absentee ballot  
14 fraud happens in a statistically more significant way  
15 than in-person voter fraud in Texas?

16 A. Some people have asserted that. It's a  
17 separate problem from in-person voter fraud, and so  
18 there are two different problems.

19 Q. During your tenure as a senator, did you or  
20 any other senator take up the issue, or proposed  
21 legislation, to deal with the issue of absentee ballot  
22 fraud?

23 A. I did not. I don't know whether someone else  
24 might have or not. I don't have a recollection.

25 Q. I just have one follow-up question and then

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1 I'm done. And it's hopefully an easy one.

2 When we were talking about the 2009 rule  
3 change that you laid out as part of the Senate rules  
4 at the beginning of that session, one of the things I  
5 asked you about was your research about prior rule  
6 changes that were similar to that proposed rule  
7 change.

8 Do you recall that conversation?

9 A. Uh-huh.

10 Q. Okay. Good. We're not so far removed from  
11 the beginning of the day.

12 Did you retain any research that you did in  
13 connection with that proposed rule change?

14 A. Not personally, I didn't. And I don't know  
15 whether my office did or not.

16 Q. Is that -- is that something you've looked  
17 for in connection either with --

18 A. It's what -- my staff would have looked for  
19 it, but I wouldn't have personally looked for it. I  
20 know I don't have it.

21 Q. Did you have sort of a written body of  
22 research at some point about historical rule changes  
23 when you were doing that research? Was any of it  
24 written?

25 A. Some of it may have been, yeah.

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1 Q. And if it existed in your offices, it would  
2 have been produced in connection with this litigation;  
3 is that right?

4 A. Yeah.

5 MS. RUDD: Okay. No further questions.

6 MS. DONNELLY: Want to take a quick  
7 break?

8 THE WITNESS: Sure.

9 (Break.)

10 (Ms. Rudd exits the deposition room.)

11 EXAMINATION

12 BY MR. BRAZIL:

13 Q. I'm going to jump around, so if I lose you,  
14 just say so. Okay?

15 A. (Nods head.)

16 Q. I'll try not to replow the same ground.

17 If I understand your previous testimony  
18 regarding the DPS and the budget issue, there was no  
19 specific allocation of extra funds to DPS to enable  
20 them to handle any additional job duties or  
21 responsibilities because of SB 14; is that correct?

22 A. I didn't say that.

23 Q. Okay. Was there any budgetary request or any  
24 budgetary issues with regard to SB 14 with regard to  
25 DPS?

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1 A. I think what I asked, what I testified to,  
2 was that the Department of Public Safety -- that I  
3 specifically asked them what did they need to be able  
4 to streamline the whole process of issuing driver's  
5 licenses, and thereby, also, the EINS [sic]; but to  
6 get their whole operation where we didn't have this  
7 backlog of people who were standing in line for hours  
8 to get their license or election identification  
9 certificate after the law passed. So we gave them the  
10 money that they needed.

11 Q. But there was no specific amount just for the  
12 EIC or the --

13 A. I didn't say that. I just said I can't  
14 recall what it was, so...

15 Q. There may have been from DPS, you just don't  
16 recall?

17 A. That's what I said.

18 Q. Okay. What about the Secretary of State?

19 Was any additional money budgeted for the Secretary of  
20 State for the implementation of SB 14?

21 A. I don't recall. I think what I testified to  
22 earlier was that -- that I believe there was  
23 unexpended funds available in their existing budget  
24 that were going to be used, and I -- I don't recall if  
25 there was an additional amount of money that was

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1 necessary. Without going back and reviewing the  
2 budget, I just -- I just don't recall.

3 Q. Did the Secretary of State indicate to you or  
4 to your office how much money was necessary for the  
5 educational aspect of implementing SB 14?

6 A. They may have, but I don't recall it. If  
7 there's something in the record to that effect, I  
8 mean, whatever that says I'm sure is correct. But,  
9 you know, it's been a long time, and I just don't have  
10 a specific recollection.

11 I do know that we talked to the Secretary of  
12 State and the Department of Public Safety to make sure  
13 they'd have adequate resources to implement the  
14 provisions of Senate Bill 14, and I was assured that,  
15 of both, what they needed. And then also, you know,  
16 there were a number of us on the Finance Committee  
17 making sure they had those resources available to  
18 them.

19 Q. Do you recall whether or not the Secretary of  
20 State's office indicated to you whether or not the  
21 educational aspect would be handled by the Secretary  
22 of State's office or whether they would contract that  
23 out to a third party?

24 A. I don't know.

25 Q. Was that left up to the Secretary of State's

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1 office or to their discretion?

2 A. I don't recall a provision in the bill that  
3 said that they had to contract it out or they didn't.

4 Q. So it was left to their discretion, I assume?

5 A. I said I don't recall.

6 Q. You don't recall one way or the other?

7 A. That's what I said.

8 Q. Did you ever ask for information from the  
9 Secretary of State, or any other agency, to determine  
10 how many eligible voters in Texas did or did not have  
11 one of the photo identification documents under SB 14?

12 A. Would you repeat the question?

13 Q. Sure. Did you ever request from the  
14 Secretary of State's office or from the DPS, or any  
15 other agency, information to determine how many  
16 eligible Texas voters did or did not have photo  
17 identification documents?

18 A. I don't recall that I asked that. That  
19 doesn't mean that it didn't get asked. And so I know  
20 it was one of the things that was considered. And of  
21 course, how could they respond to the things I do  
22 remember they asked, DPS and Secretary of State?

23 When I said, "What do you need to be able to  
24 implement the provisions of these bills," I'm sure  
25 there were a number of us who were willing to make

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1 sure they had the resources they needed, so they would  
2 have had to have done an analysis. Now, I don't have  
3 a specific recollection of it.

4 Q. Okay. I think -- I think I understand your  
5 answer. You --

6 A. I mean, it wouldn't have been typical for me  
7 to analyze it. We would ask the agency, or elected or  
8 appointed official, that they do the analysis and tell  
9 us. We don't run the agency, they do.

10 Q. I understand that. Do you recall -- let me  
11 ask it a different way.

12 Do you recall whether or not your office or  
13 your committee ever received any information from the  
14 DPS or the Secretary of State's office on how many  
15 people may not have -- how many eligible voters in  
16 Texas may not have one of the photo identification  
17 documents under SB 14?

18 A. We may have received that information. I  
19 don't know, as I sit here today. If we had it in our  
20 files, it would have been produced. That -- just  
21 because it's not in the files doesn't mean that we  
22 never had it. We might have had it at some point.

23 Q. The issue of fingerprints --

24 A. It probably would have been the Secretary of  
25 State who did it, not the DPS.

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1 Q. Okay.

2 A. Because all your voter registration  
3 information is over at the Secretary of State's  
4 office.5 Q. Do you recall what databases the DPS  
6 maintained at that time and what databases the  
7 Secretary of State maintained at that time?

8 A. No, not specifically.

9 Q. Do you know whether or not those two were  
10 ever matched by those agencies to determine any  
11 information that would be --12 A. I don't have a specific recollection. Like I  
13 said, I think they would have analyzed that, and it  
14 very well could have been a part of it, but I don't  
15 have a specific recollection.16 Q. At some point the DPS was taking fingerprints  
17 from individuals who were applying for an EIC, are you  
18 aware of that?

19 A. No.

20 Q. You're not aware of that one way or the  
21 other?

22 A. Huh-uh.

23 Q. Okay. Do you know whether or not they  
24 continue, today, to request --

25 A. I don't know.

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1 Q. -- fingerprints for someone applying for an  
2 EIC?

3 A. I have no idea.

4 Q. How was it determined, whether it's in your  
5 office or your committee, or just by you, how was it  
6 determined what duties would be given to the Secretary  
7 of State and what duties would be given to, say, the  
8 DPS, with regard to Senate Bill 14? How was that  
9 determined?

10 A. Can you be more specific?

11 Q. Sure. The Secretary of State's office  
12 historically has been in charge of elections, keeping  
13 the databases, the information.

14 Why not -- for example, why not just give  
15 them the authority and the responsibility of SB 14 --  
16 whether it be identification documents, whether it be  
17 photo identification, EICs, et cetera -- versus giving  
18 some of those authority -- or some of that authority  
19 to the DPS?

20 A. I'd have to look at the bill. If we have a  
21 copy of the bill, I could -- I'd have to look at it  
22 and see what the bill says. But I think the bill  
23 requires the department to issue the election  
24 identification certificates.

25 Q. And that's my question, why the DPS versus

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1 the Secretary of State, or the individual counties,  
2 where you get your voter registration certificate  
3 from?

4 A. I don't recall how it was determined.

5 Q. Do you ever recall that being debated;  
6 meaning, the division of duties or responsibilities?

7 A. You'd have to look at the record. I'm sure  
8 somebody's testified to that before, with all the  
9 stuff that's been done here, so -- but I don't have a  
10 specific recollection about it.

11 Q. For example, we know that more than 50  
12 counties in Texas do not have a DPS office. Just  
13 assume with me that's correct, at least 50 or more do  
14 not have a DPS office.

15 With that in mind, why not give the  
16 responsibilities to each county for issuing the  
17 identification -- whether it be photo identification,  
18 registration, EICs -- versus give it to the DPS who  
19 don't have offices in all 200 counties?

20 A. Did you ask Senator Fraser that?

21 Q. Did I?

22 A. (Nods head.)

23 Q. No.

24 A. That's who you need to ask.

25 Q. I wasn't at his deposition.

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1 A. Okay. Let me know what you find out.

2 Q. Okay. So your answer is, you don't know?

3 A. That's what I've been telling you.

4 Q. Do you recall any debate regarding that  
5 issue, whether or not --

6 A. It may have been debated. I mean, I'd have  
7 to refer you to the record. I don't have -- as I'm  
8 sitting here today, all these many years later, I  
9 couldn't tell you whether it was debated or not.

10 Q. Do you have an opinion as to why the  
11 individual counties were not given that  
12 responsibility --

13 A. I do not.

14 Q. -- versus DPS?

15 A. No.

16 Q. Was there ever any discussion regarding the  
17 budget or budgetary issues with regard to giving the  
18 counties that responsibility versus DPS, whether it  
19 cost more or less?

20 A. You know, as I told you, I don't have a  
21 specific recollection. But what I would say is that  
22 in 2011, 2009, and 2007, there had been a tremendous  
23 pushback from the counties about the State giving them  
24 unfunded mandates and requiring them to do things and  
25 not giving them the money to do it.

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1           And so, that probably would have been one of  
2 the reasons that, you know, you would have used a  
3 state agency who said, "We can do this, and it's not  
4 going to cost you any more money than you've already  
5 got to spend," versus giving it to the counties who  
6 probably didn't have that photographic equipment,  
7 so -- but I don't have a specific recollection.

8           Now, there's always a big pushback about  
9 everything that we require counties to do at the state  
10 level, you know, that we're making an unfunded  
11 mandate. We require them to do this, and they -- and  
12 we don't give them the money.

13          Q.     Was there any pushback on your idea of the  
14 vote and smile campaign?

15          A.     You know, I don't know if that bill was ever  
16 considered or even filed. It was a Constitutional  
17 amendment, so it would have been in the form of a  
18 resolution. Honestly, I don't remember.

19                   Do you know? Have you looked at the record?

20          Q.     Yes.

21          A.     And what is it? Did I file a bill? Did I  
22 file a resolution?

23          Q.     You filed a resolution, my memory is. I may  
24 be wrong on that.

25          A.     Okay.

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1 Q. I'll publicly state I may be wrong, but you  
2 had a resolution in that regard.

3 Did any of your fellow senators have any  
4 pushback, or anybody in the House, say, "Wait a  
5 minute, Senator, if you introduce that, it's going to  
6 cost the counties X dollars or we're going to have to  
7 have all these cameras at polling places"?

8 Do you recall any pushback on that?

9 A. I don't recall -- I don't recall that we ever  
10 had a hearing on the bill.

11 Q. Do you recall any complaints, whether you had  
12 a hearing or not, from just people that said no?

13 A. I couldn't have told you whether I even filed  
14 the bill or not. I know that we talked about it.

15 Q. Do you know how you came up with the idea to  
16 take someone's photograph if they didn't have proper  
17 identification?

18 A. It was suggested to me by somebody, so I  
19 just -- you know, most good legislative ideas don't  
20 come from legislators, they're things that other  
21 people bring to you.

22 Q. Do you know whether or not any other state  
23 used that form of voting and that's where you got the  
24 idea?

25 A. No.

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1 Q. Was the idea of putting cameras -- giving the  
2 cameras to the individual counties, ever debated or  
3 discussed?

4 MS. DONNELLY: Sorry, what counties?  
5 What do you mean?

6 A. What are we talking about here?

7 MS. DONNELLY: Objection. Form.

8 Q. (BY MR. BRAZIL) Giving the counties cameras  
9 like were given to the DPS, or used by the DPS, in  
10 their mobile units to issue EICs, or to issue the  
11 photo identification documents, was that ever  
12 discussed?

13 A. I'm confused, because now you're mixing the  
14 Department of Public Safety and the counties. I'm not  
15 sure. I think what -- I don't remember. As I told  
16 you, I don't even recall whether I actually filed a  
17 resolution or not. I'm taking your word that I did.  
18 The specific -- there was no enabling legislation that  
19 I recall that was filed with that. I mean, the answer  
20 is, I don't know.

21 Q. I understand that.

22 But I'm asking now, if we take the camera  
23 idea, and rather than have the cameras in the mobile  
24 units to the DPS, if you just gave those to the  
25 individual counties, all 254, and put them in charge

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1 of issuing the identification, was that ever discussed  
2 or debated, to your memory?

3 A. I don't know. I mean, honestly, I don't  
4 know.

5 Q. Was -- was the issue of the cost of that ever  
6 discussed?

7 A. I don't know.

8 Q. Was there any pushback from the counties,  
9 "Don't give us that job, don't give us that duty or  
10 responsibility"?

11 A. I have no idea.

12 Q. You don't recall one way or the other?

13 A. No.

14 Q. Was there ever an issue of what people would  
15 do, how they would vote if their driver's license was  
16 confiscated by local law enforcement?

17 A. There may have been. I don't recall.

18 Q. Do you recall any other senator bringing up  
19 an issue of how many were being confiscated every year  
20 by local law enforcement agencies?

21 A. I'd refer you to the record. And whatever  
22 the record says, I'm sure that's correct.

23 Q. We've had several elections since SB 14 went  
24 into effect, have we not?

25 A. I think that's right. Yeah.

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1 Q. Has there been any report of people faking  
2 their photo identification in order to vote?

3 A. You know, I'd answer it this way: I haven't  
4 had a single complaint about Senate Bill 14 since the  
5 bill was passed.

6 I don't know whether there have been any  
7 reports of people who were trying to vote or if they  
8 were just kept away by the knowledge that they would  
9 have to produce an ID, but I am unaware of a single  
10 person in the entire state of Texas who was denied the  
11 right to vote because of Senate Bill 14. I'm not  
12 saying it doesn't exist, but if it does, I am  
13 completely unaware of it.

14 Q. Are you aware of anybody trying to vote with  
15 a fake ID since Senate Bill 14 was implemented?

16 A. I don't know how I would know that.

17 Q. Did you believe there was a lot of support  
18 for SB 14, a lot of public support?

19 A. There was a lot of bipartisan support for it  
20 in the public. Not in the legislature.

21 Q. That brings up my next question.

22 If there was so much support for it, without  
23 getting into the semantics with you about rule  
24 changes, then why not just let the legislation come up  
25 in its normal course and work its way through the

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1 process, work its way through Austin, versus change  
2 the rules?

3 MR. KEISTER: Object to form.

4 A. I think that there's an extensive record  
5 about my feelings on that subject, that it was reduced  
6 to writing in the Senate Journal during the six-and-a-  
7 half-hour debate on the rule change; and respectfully,  
8 I would refer you to that. And I think that  
9 completely covers my thoughts about that. I don't  
10 have anything beyond what I said publicly, to say  
11 about that.

12 Have you read it?

13 Q. (BY MR. BRAZIL) Yes.

14 A. Okay. So you know how I feel, then. It's a  
15 rhetorical question you're asking.

16 Q. Well, no. I still have to take your  
17 deposition, I still have to get --

18 A. Yeah.

19 Q. -- your testimony.

20 A. I refer you back to my previous testimony  
21 when I was deposed, to my testimony on the witness  
22 stand in the D.C. Court of Appeals and to my -- you  
23 know, to the debate we had. There's some extensive  
24 public record about this. I don't have anything to  
25 say beyond that.

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1 Q. But what you did not say in that testimony  
2 was a specific answer to my question, which is -- I  
3 don't want to get into semantics of a rule change.

4 I just want to know, from your standpoint,  
5 your opinion, as to why you did not let this bill just  
6 work its way through the normal legislative process as  
7 it had in previous sessions and as thousands of other  
8 bills had in previous sessions?

9 MS. DONNELLY: Objection. Form.

10 You can answer.

11 MR. KEISTER: Object. Form.

12 A. And what I would say to you is that you  
13 overlooked that in the testimony, because it was  
14 discussed extensively in my testimony, and I would  
15 respectfully refer you back to that.

16 Q. (BY MR. BRAZIL) You can't give me a  
17 two-minute summary?

18 A. I'm not going to, no. I would just refer you  
19 back to the testimony that I gave previously, and I  
20 stand by that.

21 Q. Okay. And this is the testimony you gave --

22 A. In the floor debate. This was debated  
23 extensively on the floor. I can't believe that you  
24 read the transcript of the floor debate and you don't  
25 know the answer to that question.

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1 Q. Well, whether or not I know the answer is a  
2 different issue than what we're here about today. If  
3 you're not going to answer my question, just say "I'm  
4 not going to answer it," and I'll move on.

5 A. I'm referring you back to my floor debate and  
6 to the testimony that I've given in depositions and in  
7 courts, and I'm respectfully telling you that's really  
8 all there is to it. And I think there was a  
9 six-and-a-half-hour debate on that very topic on the  
10 floor of the Senate that was reduced to writing and  
11 put in the Senate Journal. That's all I have to say  
12 about it.

13 Q. So we can take that testimony and use it in  
14 this trial and you would have no problem --

15 A. Of course you could.

16 Q. -- with that?

17 A. Of course you could. It's out there. It's  
18 part of the public record.

19 Q. Well, what do you think the lawyers for the  
20 State's position would be on that?

21 MS. DONNELLY: Objection. Form.

22 A. I don't have any idea.

23 Q. (BY MR. BRAZIL) Do you know whether or not  
24 you have to show proof of citizenship to obtain a  
25 Texas concealed handgun license?

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1 A. I'm not positive. I think that you would  
2 have to show proof that you were in the country  
3 legally, but I don't think you'd have to show proof of  
4 citizenship.

5 Q. Do you --

6 A. But I don't know that definitely.

7 Q. Do you know whether or not you have to be a  
8 Texas resident to hold a Texas concealed handgun  
9 license?

10 A. I'm not sure.

11 Q. Do you know whether or not you have to be a  
12 United States citizen to hold a United States Military  
13 identification card?

14 A. I don't have a specific knowledge of that,  
15 but there are noncitizens who serve in our military;  
16 and I would presume, based on that knowledge, that you  
17 wouldn't have to be a citizen.

18 What I would say is that if you're going to  
19 vote, you have to be registered to vote and have one  
20 of those IDs. So, I mean, that was -- it was part of  
21 what we were looking for.

22 So, it doesn't mean you'd be able to vote.

23 It just means that we would know who you were. You  
24 couldn't just take the military ID and go vote. You'd  
25 have to also be registered to vote, on the rolls, to

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1 vote.

2 Q. Do you know whether or not everyone who  
3 holds -- currently holds a Texas driver's license has  
4 shown proof of U.S. citizenship?

5 A. What I know is that they have either shown it  
6 previously or they will be required to show it when  
7 their license is renewed, and so that's a process that  
8 would take a few years, because I think your license  
9 is good for about six years, so...

10 Q. Do you know how many people currently hold a  
11 Texas driver's license who have not shown proof of  
12 U.S. citizenship?

13 A. You could get that from DPS, but I don't know  
14 that number.

15 MR. BRAZIL: I'll pass the witness.

16 MS. MARANZANO: Can we go off the record  
17 for a second?

18 (Off the record.)

19 (Mr. Brazil exits the deposition room.)

20 E X A M I N A T I O N

21 BY MS. MARANZANO:

22 Q. Good afternoon, Senator Williams. I'm  
23 Jennifer Maranzano. I'm representing the United  
24 States.

25 A. Okay. So you're with the U.S. Attorney's

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1 Office?

2 Q. I'm with the Department of Justice.

3 A. Department of Justice. Okay.

4 Q. Yes. Exactly.

5 MS. MARANZANO: Can I have this marked,  
6 please.

7 (Williams Exhibit 13 marked/introduced.)

8 Q. (BY MS. MARANZANO) Senator, I'm showing you  
9 what was marked as Exhibit 13.

10 Can you take a look at this and tell me if you  
11 recognize it.

12 A. This looks like a state auditor's office  
13 report for November of 2007 on the voter registration  
14 system at the Texas Secretary of State's office.

15 Q. Did you serve on the Legislative Audit  
16 Committee?

17 A. I did. I would have been on the committee at  
18 that point.

19 Q. You would have been?

20 A. I think so, yeah.

21 Q. How did this audit arise?

22 A. I think -- I don't recall. They do -- they  
23 routinely go through and audit state agencies. So I  
24 have no idea whether this was a special -- it wasn't a  
25 request that I made. I can't tell you that it wasn't

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1 a special request, and I can't tell you that it wasn't  
2 just part of the routine work that was done, so I  
3 don't know.

4 Q. Okay. Do you recall what the purpose of this  
5 audit was?

6 A. No. I mean, it's probably in the report.

7 Q. Can you look at page Roman Numeral IV at the  
8 bottom?

9 A. Okay.

10 Q. And do you see that part of the purpose was  
11 to determine whether the records in the statewide  
12 voter registration database were accurate in  
13 accordance with the Help America Vote Act?

14 A. Yeah, I see that.

15 Q. What -- what is TEAM?

16 A. What is what?

17 Q. TEAM. Do you see that TEAM is referenced on  
18 this page, T-E-A-M, in all capital letters?

19 A. I see it, but I don't know. I guess it's  
20 defined in here.

21 Q. What -- does it sound correct if I told you  
22 that that is the Texas Election Administration  
23 Management System?

24 A. Yeah, it could be.

25 Q. And is it your understanding that TEAM is the

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1 system in which registered voters' records are stored?

2 A. You know, I don't have a recollection of it.  
3 If that's what it says in this report, I'm sure it's  
4 true.

5 Q. Okay. Did the auditor find that TEAM may  
6 have included potentially ineligible voters?

7 A. I don't know what the findings of this audit  
8 were. I don't recall.

9 Q. Do you want to take a moment and look at the  
10 report?

11 A. I can.

12 MS. DONNELLY: The whole thing?

13 THE WITNESS: Are we on the clock while  
14 I'm looking at it?

15 THE REPORTER: (Nods head.)

16 THE WITNESS: Okay. I'll read it very  
17 carefully.

18 Q. (BY MS. MARANZANO) Actually, before you take  
19 too much time reading it, let me ask you this: Do you  
20 remember, as you sit here today, if the legislature  
21 took any steps to address the findings in this report?

22 A. I do not.

23 Q. You have no recollection?

24 A. I have none, no.

25 Q. Okay. All right. Then you can go ahead and

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1 put this document aside.

2 I'd like to ask you some questions about the  
3 2009 rules debate.4 Can you -- can you find Exhibit 6 in that  
5 pile for me?6 A. Maybe. Okay. I have the document that's  
7 marked as Exhibit 6 in front of me.

8 Q. Okay. Terrific.

9 And do you recall you earlier, I believe,  
10 referenced that this is from the Senate Journal  
11 when -- when the Senate was debating the rules  
12 resolution in 2009; is that correct?

13 A. It would appear that's what it is.

14 Q. Can you turn to page A-75, which is towards  
15 the end. And do you see that you have a statement  
16 that starts on A-74 and continues on to A-75?

17 A. I do.

18 Q. In -- in your statement on page A-75, about  
19 halfway through, there's a sentence that reads: "In  
20 recent times majority vote rules have been invoked in  
21 regular and special sessions under Democrats' State  
22 Senate majorities in 1971, 1972, 1973, 1975, 1977,  
23 1978, 1981, 1984, 1985, 1986, 1987, 1989, 1990, and  
24 1992. And a majority vote requirement was invoked  
25 under a Republican majority in the 2003, third-called

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1 special session..."

2 Did I read that correctly?

3 A. Yes. It reflects what's in the Journal.

4 Q. Now, on the even-numbered years that you

5 reference in this -- in this remark, were those

6 special sessions?

7 A. Probably would have been, yeah.

8 Q. And in special sessions, what -- what rules  
9 are applied?10 A. Well, it depends on what rules are adopted  
11 for the special session.12 Q. So rules are adopted independently for  
13 special sessions than from regular sessions?

14 A. Not always.

15 Q. Sometimes, in special sessions, are they  
16 carried over from regular session?

17 A. Sometimes they are, sometimes they are not.

18 Q. Okay. And in special sessions, you would --  
19 the legislature's addressing a limited number of  
20 subjects; is that correct?21 A. Whatever the governor puts on the call are  
22 the only things that the legislature can debate during  
23 a special session.24 Q. Okay. So do you have special orders arise  
25 during special sessions?

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1 A. You know, I -- not during my time in the  
2 Senate. I can't tell you definitively that there  
3 never were any special orders during a special  
4 session. I just don't know that as we sit here today.

5 Q. Okay.

6 A. But during my roughly 11 years -- 10 years --  
7 10-plus years, I can't -- I don't recall that there  
8 were special orders used in a special session.

9 Q. Do you recall the legislation for each of  
10 these sessions, the legislation that was -- that was  
11 passed by special order?

12 A. I'm not sure what you're asking me.

13 Q. Well, you -- the record states that in recent  
14 times, majority vote rules have been invoked in these  
15 sessions, and I'm asking you if you recall for what  
16 issue in each of these sessions the majority vote rule  
17 was --

18 A. But that's not the way you asked it. And so  
19 what I would say is, it says majority vote rules have  
20 been invoked. It doesn't mean that it was a special  
21 order. That's what you asserted. It could have just  
22 been in the regular order of business, and it would  
23 have only required a simple majority.

24 Q. Okay. Fair point.

25 So do you recall -- let me ask you this: You

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1 were comparing these sessions to the rule that you  
2 were introducing; is that correct? In 2009?

3 A. I was giving a historical perspective for the  
4 body. I don't recall every piece of legislation.

5 What I do recall is that there was some  
6 fairly major legislation. My recollection is that  
7 the -- the Peveto tax bill, which is -- was a major  
8 overhaul of the property tax system, was passed in the  
9 regular order of business. That is still, more or  
10 less, the system that we operate under today, and it  
11 was probably the biggest single tax reform bill in the  
12 20th Century for state government.

13 There was a workers' comp bill that was  
14 passed in the regular order of business.

15 Those are the only two I recall. There were  
16 several -- you know, there were a lot of others, you  
17 know, we -- I was surprised, frankly, when we went  
18 through and looked at this, how many times this had  
19 actually happened.

20 Q. I believe, in the record, you also refer to a  
21 redistricting bill in 1981.

22 Do you recall that?

23 A. Could have been, yeah, but I don't have a  
24 specific recollection. I know that redistricting  
25 bills under Democrats and Republicans had been passed

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1 in the regular order of business. That's different  
2 than a special order.

3 Q. Were any of the bills that you looked at or  
4 any of these sessions that you refer to, was there an  
5 exception written into the rules for a special order  
6 similar to the one that you were proposing in 2009?

7 A. I can't tell you. I know that special orders  
8 have been used before, but I can't tell you definitely  
9 that there was or was not, as we sit here today.

10 Q. What -- when you were conducting the research  
11 that led you to this conclusion about these  
12 legislative sessions, what sources did you look at?

13 A. Well, they would have been multiple sources.  
14 I had someone do the research for me. I didn't  
15 conduct it myself. And it was -- it would have been  
16 newspaper accounts and Journals.

17 Q. Newspaper accounts and Senate Journals?

18 A. Senate Journals, correct.

19 Q. Did you talk to any -- any other senators --

20 A. No.

21 Q. -- who had served in any of these sessions?

22 A. Huh-uh.

23 Q. Did you talk to any other administrative --  
24 state officials who may have been presiding during  
25 these sessions?

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1 A. No.

2 Q. Now, you mentioned -- Peveto?

3 A. Peveto.

4 Q. -- Peveto and a workers' comp issue. And I  
5 believe you said, for Peveto, it was passed as a  
6 regular order of business; is that correct?7 A. It could have been a regular or special  
8 order. I'm not sure. I think it was in the regular  
9 order of business, but I'm not positive.10 Q. And do you recall whether the workers' comp  
11 issue was passed in the regular order of business?12 A. I think it was in the regular order of  
13 business.14 Q. In your mind, is that -- is passing a bill in  
15 the regular order of business different than accepting  
16 that rule from a special order?17 A. When you have a special order rule, the  
18 regular order of business becomes whatever the subject  
19 of that special order is.

20 Q. So the effect is similar?

21 A. It becomes a part of the regular order of  
22 business.23 Q. Okay. Okay. And you don't recall, as you  
24 sit here today, whether in any of these legislative  
25 sessions there was an exception written into the

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1 Senate rules that an issue could be taken up as a  
2 special order by a majority vote?

3 A. No, there were -- there was one other example  
4 of that, as I recall, but I can't tell you exactly  
5 when it was or what it was. There was one or two. At  
6 least one.

7 Q. Do you recall if it was in a regular session?

8 A. I don't recall.

9 Have you gone back and looked?

10 Q. Well, let's look.

11 MS. MARANZANO: Can we mark this.

12 (Williams Exhibit 14 marked/introduced.)

13 Q. (BY MS. MARANZANO) I'm showing you what we've  
14 marked as Exhibit 14.

15 Do you recognize this?

16 A. No.

17 Q. Does it look like the rules of the Senate or  
18 an excerpt of the rules of the Senate?

19 A. It's a portion of the rules of the Senate  
20 from 1971, it would appear to be.

21 Q. Can you look at the second page of the  
22 document, which has a 10 at the bottom.

23 Do you see the rule on special orders?

24 A. I do.

25 Q. And is there any exception -- subject matter

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1 exception that's written into this rule?

2 A. No.

3 Q. You can put it aside.

4 A. Let me finish reading it.

5 Q. Sure.

6 (Williams Exhibit 15 marked/introduced.)

7 Q. (BY MS. MARANZANO) Are you ready?

8 A. I guess. What's your question?

9 Q. That was my question.

10 A. What is it?

11 Q. Whether there was a subject matter exception  
12 written into it, and you already answered it.

13 A. It would appear not in 1971.

14 Q. Okay. I'm showing you what we've marked as  
15 Exhibit 15 for the record. Can you take a look at  
16 this and let me know if you recognize it.

17 A. I do not.

18 Do you want to tell me what you think it is.

19 Q. Does it appear to be the rules of the Senate?  
20 An excerpt -- I'm sorry, an excerpt from the rules of  
21 the Senate --

22 A. It does.

23 Q. -- in 1973?

24 A. It does. From '73.

25 Q. And can you look at the second page, which

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1 has a 10 at the bottom, and look at the rule on  
2 special orders and tell me if you see any subject  
3 matter that's carved out from the rule on special  
4 orders in 1973.

5 A. No. There's not one that I can see there.

6 Q. Thank you. You can put that aside.

7 (Williams Exhibit 16 marked/introduced.)

8 Q. (BY MS. MARANZANO) I'm showing you what we've  
9 marked as Deposition Exhibit 16.

10 Do you recognize this document?

11 A. No.

12 You want to tell me what it is.

13 Q. Does it appear to be an excerpt from the  
14 rules of the Senate from 1975?

15 A. It would appear to be.

16 Q. Can you look at the second page, which has a  
17 10 at the bottom and a rule on special orders.

18 Do you see any subject matter legislation  
19 carved out of the rule on special orders in 1975?

20 A. No.

21 (Williams Exhibit 17 marked/introduced.)

22 Q. (BY MS. MARANZANO) I'm showing you what we've  
23 marked as Deposition Exhibit 17.

24 A. Uh-huh.

25 Q. Do you recognize this document?

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1 A. No.

2 Q. Does it appear to be an excerpt from the  
3 Senate rules from 1977?

4 A. It does.

5 Q. Can you look at the second page, which has a  
6 9 on the bottom.

7 Is there any subject matter legislation  
8 that's carved out of the rule on special orders?

9 A. No, not that I see. Wait. Let me finish. I  
10 answered that too quickly.

11 Okay. No, I don't see an exception.

12 (Williams Exhibit 18 marked/introduced.)

13 Q. (BY MS. MARANZANO) Senator, I'm showing you  
14 what we've marked as Deposition Exhibit 18 for the  
15 record.

16 Do you recognize this document?

17 A. No.

18 Q. Does it appear to be an excerpt from the  
19 rules of the Senate from 1981?

20 A. It would appear to be.

21 Q. Can you look at the page which has a 12 on  
22 the bottom and also the page that has a 13 on the  
23 bottom and see if, in the rule on special orders, you  
24 see any subject matter legislation that's carved out  
25 of that rule?

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1 A. It doesn't appear that there's any.

2 (Williams Exhibit 19 marked/introduced.)

3 Q. (BY MS. MARANZANO) Senator, I'm showing you  
4 what we've marked as Deposition Exhibit 19.

5 Do you recognize this document?

6 A. I do not.

7 Q. Does it appear to be a resolution adopting  
8 the rules in 1985?

9 A. No. It appears to be a Journal excerpt from  
10 the resolution that includes the resolution, but it's  
11 not the resolution itself.

12 Q. Fair point. Fair point.

13 And do you see that in this resolution, they  
14 adopted, in the 68th Legislature, the rules from the  
15 67th Legislature?

16 A. It would appear that's what they're doing.

17 Q. And -- and those are the rules that we just  
18 looked at; is that right? From 1983; is that correct?

19 A. It would appear so.

20 Q. I'm sorry, I said that wrong.

21 This is from 1983, and they adopted the rules  
22 from 1981; is that correct?

23 A. That's what it would appear to be.

24 Q. Thank you.

25 (Williams Exhibit 20 marked/introduced.)

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1 Q. (BY MS. MARANZANO) Senator, I'm showing you  
2 what we've marked as Exhibit 20.

3 Can you take a look at this and tell me --

4 A. Sure. I will. Give me a second.

5 Q. Sure. Are you ready?

6 A. No.

7 Q. Do you recognize Exhibit 20?

8 A. I do not.

9 Q. Does it appear to be an excerpt from the  
10 rules of the Senate from 1985?

11 A. It would appear so.

12 Q. Can you look at the page that has a 7 on the  
13 bottom. Do you see the rule on special orders?

14 A. I do.

15 Q. Is there any subject matter legislation  
16 that's carved out of this rule?

17 A. It would appear not.

18 (Williams Exhibit 21 marked/introduced.)

19 Q. (BY MS. MARANZANO) Senator, I'm showing you  
20 what we've marked as Exhibit 21. Can you take a look  
21 and tell me if you recognize this document.

22 A. I do not.

23 Q. Does it appear to be an excerpt from the  
24 rules of the Senate from 1987?

25 A. It would appear so.

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1 Q. Can you look at the page that has a 7 on the  
2 bottom. Do you see the rule on special orders?

3 A. I do.

4 Q. Is there any subject matter legislation that  
5 is explicitly carved out of --

6 A. No.

7 Q. -- the special orders?

8 (Williams Exhibit 22 marked/introduced.)

9 Q. (BY MS. MARANZANO) Senator, I'm showing you  
10 what we've marked as Exhibit 22, for the record.

11 Do you recognize this document?

12 A. No.

13 Q. Does it appear to be an excerpt from the  
14 rules of the Senate from 1989?

15 A. It would appear so.

16 Q. Can you look at the page that has a 17 on the  
17 bottom. Do you see the rule on special orders?

18 A. I do.

19 Q. Do you see any subject matter legislation  
20 carved out of that rule?

21 A. No.

22 (Williams Exhibit 23 marked/introduced.)

23 Q. (BY MS. MARANZANO) Senator, I'm showing you  
24 what we've marked as Exhibit 23.

25 Do you recognize this document?

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1 A. This would appear to be a copy of the rules  
2 from the 2009 session.

3 Q. Can you turn to page 24 for me?

4 A. Uh-huh.

5 Q. Do you see the rule on special orders?

6 A. I do.

7 Q. And Subsection (d), does that specifically  
8 carve out a bill of resolution relating to voter  
9 identification requirements?

10 A. It does, if it's favorably reported from the  
11 Committee of the Whole. And it also requires 24 hours  
12 after the motion's adopted by a majority of the  
13 members of the Senate.

14 Q. So is it fair to say that of the legislative  
15 sessions you cited during the rules debate on January  
16 14, of those regular sessions there were no exceptions  
17 carved out explicitly in the rules similar to the way  
18 the special order was handled in 2009, correct?

19 MS. DONNELLY: Objection. Form.

20 A. Could you ask the question again?

21 Q. (BY MS. MARANZANO) Of the legislative  
22 sessions that you cited in the record for the regular  
23 sessions that you cited there on the odd-number years,  
24 there's no subject matter legislation carved out  
25 explicitly in the special orders rule in the same way

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1 that voter ID is carved out in 2009, correct?

2 MS. DONNELLY: Objection. Form.

3 A. Here's what I think the record says: It says  
4 that, "Historical precedent for allowing majority vote  
5 on issues that do not require two-thirds support for  
6 debate have deep historical roots in the traditions of  
7 the Texas Senate. In recent times majority vote rules  
8 have been invoked in regular and special sessions  
9 under Democrats' State Senate majorities in 1971,  
10 1972, 1973, 1975, 1977, 1978, 1981, 1984, 1985, 1986,  
11 1987, 1989, 1990, and 1992. And a majority vote  
12 requirement was invoked under a Republican majority in  
13 the 2003, third called special session after we had  
14 spent all summer trying to resolve the issue of  
15 Congressional redistricting."

16 I don't believe that in my statement that is  
17 in the Journal I asserted that the special order  
18 exception was used in any of those sessions, only that  
19 a majority vote had been used.

20 Q. (BY MS. MARANZANO) Okay. Thank you. And I  
21 didn't -- I didn't mean to imply that you had asserted  
22 that in the record.

23 I just -- when I asked you if the exception  
24 was written into the rules, you didn't recall; and,  
25 didn't we just look at the rules for the regular

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1 sessions for these years that you've cited? Correct?

2 A. Yes. But we didn't look at the special  
3 sessions and -- or the sessions that -- you know,  
4 which would have occurred. I don't know. Like I told  
5 you, I don't recall whether they were used. I know  
6 that special orders had been used in the past.7 Q. Right. But we looked at the rules for the  
8 regular sessions, and they're not -- there is no  
9 written exception in any of the special order rules in  
10 the regular sessions, correct?11 A. That's true. And the Senate adopts the rules  
12 at the beginning of every session, and we can make the  
13 rules whatever we want them to be at the beginning of  
14 the session so long as a majority of the members of  
15 the Senate agree on that, the rules that are proposed.16 Q. Okay. Can you look at page A-9 of this  
17 Senate Journal, Exhibit 6, for me?

18 A. A-9?

19 Q. Yes. And if you can look at the bottom of  
20 that page, with the sentence that starts: "My  
21 research further indicated..."22 And if you could read that and see if that  
23 refreshes your recollection at all about --24 A. Okay. Let me -- I want to read it in context  
25 here. Hang on just a second.

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1               Okay. I've read it.

2       Q.    Okay. Does that refresh your recollection at  
3 all about the 1981 restricting plan?

4       A.    You know, I see -- I stand by what I said in  
5 the record here. I don't have a specific recollection  
6 as we sit here today. I know that we had researched  
7 this and that I was surprised to find how this had  
8 been used. And so -- and I know that Governor Hobby  
9 disputed it. What I'd say is, that's why we have  
10 Journals and records and, you know, I think the record  
11 supported what I said here.

12      Q.    Do you recall if the redistricting plan that  
13 was passed by a majority vote in the Senate in 1981  
14 was actually implemented?

15      A.    I don't know.

16      Q.    Is that something you researched at the time?

17      A.    It could have been. I have no idea.

18      Q.    Do you -- do you see, on page A-11, there is  
19 a statement by Senator Whitmire that references an  
20 action when Governor Bullock -- under Lieutenant  
21 Governor Bullock? Do you see that?

22      A.    Where are we?

23      Q.    In the middle of the page on A-11, in the  
24 statement by Senator Whitmire. He says: "And I know  
25 for a fact, when Governor Bullock did it, we were

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1 following a court order..."

2 Are you familiar? Do you see that sentence?

3 A. Uh-huh.

4 Q. Are you aware of what he's referring to?

5 A. No.

6 Q. Is that something you researched when you --

7 A. Probably was, but I don't recall as we're  
8 sitting here today.9 Q. Okay. And when you were conducting this  
10 research, did you look into the partisan breakdown of  
11 these various Senate sessions when things were voted  
12 on by majority -- by a majority?

13 A. I'm sorry, would you ask your question again?

14 Q. Yes.

15 When you were -- when you were conducting  
16 research on the past Senate legislative sessions that  
17 passed certain bills by majority vote, did you look at  
18 the partisan breakdowns of the Senate?19 A. No. The Senate was almost exclusively a  
20 Democratic body. The state was. There was no  
21 effective Republican majority for many, many years, so  
22 I don't know specifically when that changed, but --23 Q. So are you saying you didn't research that  
24 particularly because you had a general awareness of  
25 the...

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1 A. I don't recall that I looked at the partisan  
2 breakdown or anything.

3 The issues -- I don't know about the  
4 redistricting issue, but the other issues that we  
5 brought up, those didn't break down along partisan  
6 lines. The Peveto bill and the workers' comp bill,  
7 those didn't break down along partisan lines.

8 Q. Are rules resolutions -- in your tenure, have  
9 rules resolutions ever been referred to standing  
10 committees?

11 A. They have been, and they can be. It's the  
12 discretion of the presiding officer.

13 Q. When -- when -- when are they usually  
14 referred to a Standing Committee versus the Committee  
15 of the Whole?

16 A. I couldn't tell you. I don't know.

17 Q. Do you recall that Senator Shapleigh raised a  
18 point of order about this rules resolution not being  
19 referred to a Standing Committee?

20 A. I don't.

21 Q. Do you -- do you want to refresh your  
22 recollection by looking at page A-6? Do you see that  
23 Senator Shapleigh raised a point of order? And do you  
24 see that maybe about a little bit before halfway down  
25 the page, the president overrules that point of order?

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1 A. Okay. Now, ask me your question. What's  
2 your question?

3 Q. Did you consider whether this resolution  
4 should have been referred to a Standing Committee?

5 A. It wasn't my prerogative. That's the  
6 prerogative of the lieutenant governor.

7 Q. So you introduced the rules resolution, and  
8 then the lieutenant governor refers it to whatever  
9 committee he sees fit; is that correct?

10 A. He -- it would be his prerogative, whether to  
11 recognize me to bring the resolution up, or to -- for  
12 him to refer it to a committee --

13 Q. I see.

14 A. -- it would be his prerogative.

15 Q. How many times during your tenure was a rules  
16 resolution referred to a Standing Committee?

17 A. I don't recall. I don't recall that it ever  
18 was referred to a Standing Committee. It may have  
19 been, but I don't recall that it was.

20 Most of the time, the rules resolution was  
21 adopted -- this was the most controversy there ever  
22 was over a rules resolution during my time in the  
23 Senate.

24 Q. Would you say that this was the most  
25 substantive change to the rules made during your time

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1 in the Senate?

2 A. I don't know. It may have been.

3 Q. Do you think it's a reasonable request that,  
4 given the substantive nature of the change, this  
5 resolution be referred to a Standing Committee?

6 A. No, not necessarily.

7 Q. Why not?

8 A. There were six-and-a-half hours of debate on  
9 the resolution. I think that we all had a chance --  
10 and it was discussed prior to the floor debate, too,

11 so...

12 Q. When was it discussed prior to the floor  
13 debate?14 A. It may have been discussed in the caucus, and  
15 I know it was discussed with individual members. I  
16 know I went to Dean Whitmire before I introduced the  
17 resolution, out of deference to him, and let him know  
18 what my plans were.

19 Q. Do you recall when you went to Dean Whitmire?

20 A. No, not exactly.

21 Q. Can you look at page A-12.

22 And do you see, about halfway down the page,  
23 a little -- a little above halfway, Senator Whitmire  
24 says that, "...the first time we heard of this issue  
25 was yesterday morning in our caucus..."? Does that

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1 sound about right that you --

2 A. I don't see where he says that.

3 Q. It's the first comment by Senator Whitmire on  
4 page A-12. I'm sorry, Senator, A-12.5 A. Oh, I'm sorry. I'm on the wrong page. No  
6 wonder I couldn't find it.7 Q. It's in that first comment by Senator  
8 Whitmire.9 A. Okay. I think that spells it out. It says I  
10 talked to him before -- the record reflects that I  
11 said I talked to him before we went into a caucus  
12 meeting, and that's when I would have -- that's what I  
13 would have done. I wouldn't have said that if it  
14 hadn't been true.15 Q. And that says the caucus meeting was  
16 yesterday, correct?

17 A. Well, the previous day, yeah.

18 Q. So Senator Whitmire, at least, had about 24  
19 hours of notice, correct?

20 A. Sounds about right.

21 Q. Do you recall that senators voiced concern  
22 that they hadn't had more notice than 24 hours?

23 A. They may have. I don't recall.

24 Q. Do you think it's a reasonable request for  
25 senators to want some time to do their own research on

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1 this rules resolution?

2 A. I think that what I proposed was a -- the way  
3 this was handled, it was handled in a reasonable way;  
4 the rules resolution was laid out, and I -- we had a  
5 vote on it. And, I mean, I think it's a very  
6 reasonable way that it happened.7 I don't think there was anything out of the  
8 ordinary about it. That's the way the procedure  
9 works. There were a lot of people who didn't like it,  
10 but it wasn't out of the ordinary.11 Q. Was there -- was there any reason why you  
12 couldn't have given them more notice?13 A. You know, it was just one of those things  
14 that I told them, as soon as I thought it was relevant  
15 to do that, and as soon as I was ready, to go.

16 Q. Okay. Can you look at page A-16 for me.

17 A. I guess what I would say, before we go on to  
18 another subject, it's a pretty simple change. Either  
19 you're for it or against it. I'm not sure how much  
20 research you needed to do.21 Q. Well, you testified that you did research,  
22 correct?

23 A. I did.

24 Q. So I guess my question is whether it might be  
25 reasonable for other members to want to do their own

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1 research, too.

2 A. I don't think their objections were about the  
3 history. It was about having the bill come to the  
4 floor. And so I think I've stated, throughout here,  
5 that my goal was to go ahead and get this issue before  
6 the body so that we could vote on the issue.7 And I strongly felt, and I still do, that  
8 we -- I think the tradition that the Senate had, of  
9 having a two-thirds vote to bring a bill to the floor,  
10 out of the regular order of business and the way we  
11 handled that, was an important tradition; and, that my  
12 action here saved that rule for the time being; that  
13 if this hadn't happened, it very likely would have  
14 been done away with completely.

15 Q. And why do you say that?

16 A. There was -- there were a lot of members who  
17 wanted to do away with it.

18 Q. And how did this save the vote -- save the --

19 A. This was an issue that they could point to  
20 about why we needed to get rid of it.

21 Q. I see.

22 A. And so I -- and I think I said that in here,  
23 too. I think, if you read the testimony, I think I  
24 said that, and I think it's important and that it be  
25 preserved, and I think this had a lot to do with it

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1 still being in place.

2 Q. I just want to ask you a question about  
3 something you just said about -- a couple minutes ago.

4 I think you said you don't think that the  
5 opposition was to the history, but didn't you say  
6 earlier that you think Lieutenant Governor Hobby  
7 didn't quite agree with -- with your position?

8 A. It was the former lieutenant governor, and,  
9 you know, I heard that he didn't; and frankly, I don't  
10 really care whether he agreed with me or not. I  
11 believe my research was correct.

12 On the matter that was before the body, the  
13 rule change itself is a very simple change. And it  
14 doesn't necessarily have to do with whether you use a  
15 special order or not; it's whether you allow a simple  
16 majority.

17 And so there were a couple of ways that you  
18 could approach that. You could completely do away  
19 with the rule where everything came, or you could make  
20 one exception where this issue came. And, to me, that  
21 was a better way to resolve this issue, if it resulted  
22 in the preservation of this rule.

23 Q. Do you recall that initially, you -- you had  
24 a rules resolution that exempted both voter ID and  
25 redistricting from the special order?

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1 A. Yeah, now that you mention it, I do.

2 Q. And why did you -- why did you end up

3 removing redistricting?

4 A. You know, I don't recall.

5 Q. Do you recall if somebody asked you to remove

6 redistricting?

7 A. I don't -- I really don't remember.

8 Q. How long did your staff spend researching the

9 rules resolution?

10 A. I have no idea.

11 Q. Do you have an approximation?

12 A. Huh-uh. I don't really.

13 Q. Can you look at page A-31 for me?

14 A. Uh-huh.

15 Q. Do you see your statement about halfway down

16 the page, there's a sentence that says: "And I think

17 that what my sense is, that there is enormous

18 willingness on the Republican side to accommodate the

19 concerns that have been expressed by Democrats about

20 the potential of disenfranchising people in our

21 state."

22 Did I read that correctly?

23 A. I'm not sure where I see that. Are we on 31?

24 Q. 31.

25 A. Oh, okay. Yeah, I've got it now.

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1 Q. Yeah. Do you believe that the Republicans  
2 did accommodate the Democrats about the potential of  
3 disenfranchising people in the state?

4 A. I don't believe that -- and again, this  
5 debate was about the rules, not about the bill. I  
6 want to be clear about that. What we're reading from  
7 is a debate about the rule change.

8 Now, if you're asking me about the bill that  
9 passed that session, which was not Senate Bill 14, it  
10 was the one before that, I think that that bill did  
11 not disenfranchise people, voters. I don't believe  
12 that that was the effect of any of the bills that I  
13 voted for. That wasn't my goal, and I don't think it  
14 was the goal of anybody.

15 Q. So --

16 A. It was not that I was aware of, anyway, that  
17 anybody wanted to disenfranchise people. So I  
18 don't -- whether we took everything they wanted to do  
19 or not, is another issue. But whether it  
20 disenfranchised people, I would say it did not.

21 Q. Well, let me ask you this: What did you mean  
22 by this sentence here? Were you talking about the  
23 voter ID bill?

24 A. I think it means what it says. I said, "I  
25 think that my sense is, there's an enormous

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1 willingness on the Republican side to accommodate the  
2 concerns that have been expressed by Democrats about  
3 the potential of disenfranchising people in our  
4 state."

5 I think there's -- I mean, I don't know what  
6 else I could say to that. I mean, it's pretty clear  
7 on the face of it, don't you think?

8 Q. Well, I guess what I was wondering -- because  
9 then you just -- in your last answer, you said there's  
10 a voter ID bill, and then there's the rules  
11 resolution.

12 A. This is about the rules resolution. The --  
13 that's what this reflects, the debate on that. I  
14 think there was a lot of debate about the bill that  
15 went, you know, on -- maybe on both sides; but  
16 certainly, from the Democrats, when they're talking  
17 about what was in the bill, and I really -- that was  
18 before the body.

19 Q. Okay. And so were you saying, essentially,  
20 "If we pass this rule, we're going to work with you on  
21 the underlying bill"? Is that what you intended to  
22 convey?

23 A. I think it says what it says here.

24 Q. Okay.

25 A. And there's nothing else that I can add to

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1 that.

2 Q. Okay. And so your position, if -- I want to  
3 make sure I'm understanding correctly -- is that the  
4 bill didn't disenfranchise anybody, so there was  
5 really no accommodation that needed to happen?

6 A. I didn't say that.

7 MS. DONNELLY: Objection. Form.

8 Q. (BY MS. MARANZANO) Can you -- can you then  
9 just let me know what you meant?10 A. I meant exactly what these plain spoken words  
11 said on the page right here.

12 Q. Okay.

13 A. There's nothing that I can add to that. I'm  
14 not going to allow you to put words in my mouth.15 Q. I'm just trying to understand your answer,  
16 that's all.17 "There is enormous willingness on the  
18 Republican side to accommodate the concerns that have  
19 been expressed by Democrats..."

20 What concerns were you referring to?

21 A. Concerns that have been expressed by the  
22 Democrats about the potential of disenfranchising  
23 people in our state. That's specifically what I was  
24 referring to. That's just exactly what it says.

25 Q. And the concerns expressed by Democrats were

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1 about people being disenfranchised by the voter ID  
2 bill?

3 A. I think what I said is: We will get this  
4 issue before the body as a whole; and we can make a  
5 decision, together, whether we want to vote that out  
6 by simple majority or whether we want to require  
7 two-thirds and the rules won't require it. But we  
8 still have the option of deciding that.

9 And I think that what my sense is, that  
10 there's an enormous willingness on the Republican side  
11 to accommodate the concerns that have been expressed  
12 by the Democrats about the potential of  
13 disenfranchising the people in our state -- and so I  
14 hope that we will come out of this with, maybe not  
15 singing Kumbaya, but having known that we debated the  
16 issue, we dealt with it, and we disposed of the  
17 matter, and that we did it in a way that everybody had  
18 input and concern. And I hope -- and I hope that it's  
19 not a party-line vote. Unfortunately, it was a  
20 party-line vote.

21 But I think that the issue, you had the --  
22 the bill, in previous sessions, had never actually  
23 come to the floor and been debated. And so it was my  
24 intention that we -- there were -- there were a lot of  
25 misconceptions about what the bill did and didn't do,

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1 and so I felt like it was important that we get the  
2 issue before the body and debate it.

3 Q. And your position is that SB 362 wouldn't  
4 have disenfranchised anybody, correct?

5 A. I don't believe it would have.

6 Q. And what is that based on?

7 A. The debate and the committee hearings that we  
8 had and everything that went around that.

9 Q. And when you said your intention was to get  
10 the bill in front of the whole body, even apart from  
11 this rules resolution, that could have happened,  
12 right? Could the lieutenant governor have referred a  
13 bill to the Committee of the Whole even if you hadn't  
14 introduced this rules resolution?

15 A. I presume it could have. I'm not sure.

16 Probably so. Yeah, I think you probably could have.

17 MS. DONNELLY: Counsel, you about to  
18 shift?

19 MS. MARANZANO: Yeah. Do you want to  
20 take a break?

21 MS. DONNELLY: Take a break.

22 MS. MARANZANO: Sure.

23 (Break.)

24 MS. MARANZANO: Can I have this marked.

25 (Williams Exhibit 24 marked/introduced.)

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1 Q. (BY MS. MARANZANO) Senator, I'm showing you  
2 what we've marked as Deposition Exhibit 24.

3 Do you recognize this document?

4 A. Let me look at it.

5 Okay. It would appear that this is an e-mail  
6 from Libby Nezda, who worked on my Transportation  
7 Committee, to Amanda Montagne, who -- and Jason Baxter  
8 and Ryan LaRue, who were also staff members for me.

9 So...

10 Q. Have you ever seen this e-mail before?

11 A. I don't recall. It wasn't addressed to me.  
12 I might have seen it, but, you know...

13 Q. Do you see that in this e-mail, Ms. Nezda is  
14 including a link for voter registration for each  
15 county and suggesting that it might be useful to  
16 cross-reference it with counties that don't have  
17 driver's license offices? Do you -- is that correct?

18 A. That's what she says, yeah.

19 Q. Do you know if your staff actually did an  
20 analysis like that?

21 A. You know, I don't know at this point whether  
22 they did or not.

23 Q. Did you ever see an analysis like that that  
24 your staff had conducted?

25 A. You know, if they had brought it to me, I

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1 would have told them that the Secretary of State's  
2 office and the Department of Public Safety should do  
3 that analysis, not my staff, because I don't believe  
4 they would have had access to enough information to  
5 accurately do a comparison.

6 Q. So you don't recall discussing this analysis  
7 with your staff?

8 A. I don't at this point. I'm not saying I did  
9 or I didn't, but, I mean, it was -- you know, this was  
10 into 2011. It's a long time ago.

11 Q. Do you see that Ms. Nezda suggests that doing  
12 this analysis might be useful as far as determining  
13 what areas are actually underserved? Do you see that  
14 clause?

15 A. Yes.

16 Q. Do you agree with that assessment that  
17 determining voter registration for counties that don't  
18 have driver's licenses would be a useful -- now, I  
19 understand that you think SOS and DPS would be better  
20 entities to do it, but just for the analysis -- would  
21 be useful in determining areas that are actually  
22 underserved?

23 MR. KEISTER: Objection. Form.

24 A. Not necessarily.

25 Q. (BY MS. MARANZANO) No? And why not?

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1 A. Because, you know, the areas that don't have  
2 a driver's license office are going to be  
3 predominantly rural areas. And those people, they've  
4 got to get in the car -- I mean, I just spent the  
5 best -- I just got off a 2900 -- 2,920-mile road trip,  
6 and a large part of it was through the Texas  
7 panhandle, and those people drive everywhere for long,  
8 long distances.

9 Even if they want to go vote, they have to  
10 either get in their car or find somebody to take them.  
11 And so, this is part of what you have to deal with  
12 when you live in a rural area. So I'm not sure I  
13 would characterize it as "being underserved."

14 Although, having said that, I went to a lot  
15 of -- I put a lot of work in during this session to  
16 make sure that we made our driver's license offices  
17 more efficient, that we were serving the public  
18 better, and that we were trying to increase the  
19 availability in all areas of the state to -- for  
20 people to be able to get either a driver's license or  
21 an election identification certificate.

22 If they -- if they had business at the DPS  
23 office, we wanted to make it easier for them to do  
24 that.

25 But what you're trying to imply from what

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1 she's said here, I think that that's something that,  
2 you know, you're kind of turning a blind eye to,  
3 maybe. And I don't know where you live, if it's in  
4 Washington, D.C., so you don't own a car. I mean,  
5 there's a lot of parts of Texas you just couldn't live  
6 in.

7 Q. And when you talk about rural areas and  
8 people having cars in rural areas, is this knowledge  
9 based on -- well, what is this knowledge based on?

10 A. Life. I've lived in Texas all my life.

11 Q. So your experience living in Texas is what  
12 you're basing your knowledge on?

13 A. Yeah.

14 Q. Anything else?

15 A. Well, I mean, the information that I gathered  
16 as a legislator.

17 Q. And what information is that?

18 A. Just -- I served in the legislature for 16  
19 years, 10 months and 18 days. You learn a lot when  
20 you do that.

21 Q. Did you have any information specifically  
22 about vehicle ownership in Texas during your time in  
23 the legislature?

24 A. I might have. I can't tell you as I'm  
25 sitting here today.

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1 Q. But as you sit here today, you don't recall  
2 anything specific about that?

3 A. Well, what -- my point is not about vehicle  
4 ownership. The point is, that whether you own a  
5 vehicle or not, if you live in a remote area of the  
6 state, if you want to go vote, if you want to -- if  
7 you want to in-person vote, you have to find a way to  
8 get there. And that's no greater burden than going to  
9 get the election identification certificate.

10 Q. Are there any counties, that you're aware of,  
11 that don't have polling places in them?

12 A. I don't know. There may be. I don't know.  
13 We have one county, I think, that has less than 30  
14 people in it. I guess they have a polling place  
15 there. I mean, they probably don't have multiple  
16 polling places.

17 Q. But your testimony about what's a burden for  
18 people is based on your experience living in Texas; is  
19 that right?

20 A. My experience as a legislator and my  
21 experience of living here.

22 Q. Okay.

23 MS. DONNELLY: Counsel, if you're ready  
24 to move on from this exhibit, I just want to confirm,  
25 for the record, this Exhibit 24 is marked "HIGHLY

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1 CONFIDENTIAL."

2                   The entire deposition is under seal,  
3 including any testimony about Exhibit 24; is that  
4 right?

5                   MS. MARANZANO: Yes, that's right.

6                   MS. DONNELLY: Thank you.

7                   (Williams Exhibit 25 marked/introduced.)

8       Q. (BY MS. MARANZANO) Senator, I'm showing you,  
9 for the record, what we're marking as Deposition  
10 Exhibit 25. This is an excerpt from the transcript of  
11 the Committee of the Whole proceeding on SB 14. It's  
12 not the entire transcript.

13                  You were asked earlier on a couple of  
14 different times, I believe, about whether there was  
15 any analysis that was conducted by the Secretary of  
16 State's office or DPS.

17                  Do you remember those questions?

18       A. I know that you've asked me several times,  
19 and I think my response has been that I don't know.  
20 That's -- I don't have a recollection.

21       Q. Well, I don't believe I've asked you, but --

22       A. Somebody asked me. It's a blur.

23       Q. But this is an excerpt of the transcript, and  
24 I wanted you to take a look at what it has at the  
25 bottom, JA\_000119. I'm sorry, JA\_00 -- there's a

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1 bunch of different numbers, but it's the JA number,  
2 and it's 000119. And if you could look at the block  
3 on the top right-hand side of the page that has a  
4 little 255.

5 A. Uh-huh.

6 Q. And do you see -- if you start on 254, you  
7 can see that that's a statement by you. And on 255,  
8 do you see that it says: "In fact, Senator Fraser, I  
9 spoke last night with the Department of Public Safety  
10 and today with the Secretary of State and just asked  
11 them if it would be possible for us to target those  
12 voters who are below age 65 and have -- don't have an  
13 ID card, a driver's license, or an ID card issued by  
14 the state; and they said, yes, it would be possible  
15 for us to direct our voter education to those people  
16 specifically so that we could step it up and let them  
17 know before your bill takes effect."

18 Do you see that?

19 A. I see it, yeah.

20 Q. And then can you look at what's labeled  
21 JA\_000801.

22 And do you see there's testimony from  
23 Ms. McGeehan at the bottom of the page, and she says:  
24 "Senator Williams had approached us earlier today to  
25 see if we could do some comparisons to try and further

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1 focus in on who those registered voters are that don't  
2 have -- or have not been issued a driver's license or  
3 a personal ID number. So we're trying to run some of  
4 those numbers right now."

5 Do you see that?

6 A. I see that.

7 Q. Did I read that correctly?

8 A. Yes.

9 Q. And can you look at JA\_000844.

10 And do you see there's a statement by you,  
11 and at the very bottom, going up to the next page, it  
12 says: "And then finally I wanted to ask you, we had  
13 talked earlier about the project that I asked you to  
14 do, to cross-reference the driver's licenses and the  
15 voter registration. How is that coming along? I know  
16 I only asked today..."

17 And Ms. McGeehan says: "Yes."

18 Do you see that?

19 A. I see it.

20 Q. Does this refresh your recollection that you  
21 asked for an analysis from DPS and SOS about  
22 registered voters who didn't have a driver's license  
23 or a Texas ID?

24 A. Yeah. What I don't know, by looking at this,  
25 is whether it would appear -- but I'm not sure, and

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1 I'd like to clarify, for the record, that this was  
2 the -- if this was the Committee of the Whole. It  
3 looks like it was.

4 Q. This was the Committee of the Whole, yes.

5 A. Okay. So this was a committee hearing, and  
6 this would have been the appropriate place for me to  
7 ask such a thing.

8 Q. And do you recall asking Ms. McGeehan?

9 A. Now that you showed me this, I do.

10 Q. And do you recall that when you initially  
11 talked to Ms. McGeehan, do you recall if anybody else  
12 was present from the Secretary of State's office?

13 A. You know, I don't know.

14 Q. You don't recall if Mr. Shorter was with her?

15 A. He may have been. I don't know.

16 Q. Do you have a general point of contact for  
17 election-related matters in the SOS office?

18 A. No. It depends on who's in there. There  
19 have been several secretaries of state during my  
20 tenure in the legislature, and I think Ms. McGeehan's  
21 been there a long time. I've talked to her on a  
22 number of things. But I wouldn't say I have one point  
23 of contact.

24 Q. Why -- why did you want this analysis?

25 A. Let me see what the -- I don't know.

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1           It would appear from the transcript that I  
2 wanted to know if we could focus our education efforts  
3 on the people that were registered voters who didn't  
4 have a driver's license or a state-issued ID already.

5       Q.   And is that the only reason why you wanted  
6 this analysis?

7       A.   I don't know of any other reason right now.  
8 I mean...

9       Q.   Did you consider targeting any additional  
10 outreach to voters besides educational efforts?

11      A.   I'm not sure what you're asking me. Your  
12 question is vague.

13      Q.   Didn't you say that you wanted to -- you  
14 wanted this analysis for voter education; is that  
15 right?

16      A.   It would appear from the transcript. I'd  
17 like to take another look at it and see, so...

18           It looks like what we were trying to do is --  
19 Ms. McGeehan says I approached her earlier today to do  
20 some comparisons to try to further focus in on those  
21 who are registered voters that don't have or have not  
22 been issued a driver's license or personal ID, so  
23 we're trying to run some of those numbers.

24           So I think what I was trying to do was just  
25 see who those people were, how many there were, and if

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1 we could focus the education efforts on making sure  
2 that they knew what they needed to do to be able to  
3 vote the next time.

4 Q. And my question is: Were you looking to  
5 focus any efforts other than education, any additional  
6 outreach other than voter education to these voters?

7 A. You know, that would have been under the  
8 purview of the Secretary of State, not me.

9 Q. Okay. So you wanted to get these numbers so  
10 that you could focus voter education in the bill,  
11 correct?

12 A. No.

13 Q. Okay. What -- when you say so that you could  
14 focus voter education on these voters, can you tell me  
15 what you mean by that.

16 A. I wanted to be sure that we understood how  
17 big the problem was. I think, you know, we needed --  
18 if there was a problem. And so I think it was up to  
19 the Secretary of State's office.

20 But I wanted to know -- I wanted them -- if  
21 that analysis had been done, then we would have known  
22 whether or not they could address the problem. And so  
23 I felt like it was important that we ask that  
24 question.

25 Q. And when you say you wanted to make sure "we"

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1 understood how big the problem was, "we" means the  
2 legislature?

3 A. Yeah.

4 Q. And you wanted to know to make sure that you  
5 could address that issue?

6 A. Make sure it was being addressed.

7 Q. I see. So you didn't necessarily intend the  
8 legislature to take an action to address the problem?

9 A. I don't think it would be -- I think it would  
10 not have been necessary for anything to happen in this  
11 bill. But it would have given us, in the Senate  
12 Finance Committee, an idea whether they had adequate  
13 resources or not. So it was a question to make sure  
14 the agency was considering what they needed to do.

15 Q. And when you made this request of  
16 Ms. McGeehan and DPS, do you recall what information  
17 you asked for?

18 A. No.

19 Q. Do you know if you asked for more than just a  
20 number of people?

21 A. No. I don't remember. I mean, this was a  
22 long time ago. I voted on 5,000 bills that session.

23 Q. Fair enough. Would you consider this a  
24 time-sensitive request?

25 A. I think it was something that we needed to --

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1 not "sensitive" in the sense that it was necessarily  
2 something that needed to be done in Senate Bill 14,  
3 but it was something that needed to be done before the  
4 session was over. It's more of a budget issue than a  
5 Senate Bill 14 issue.

6 Q. Do you recall if you got a response to your  
7 request?

8 A. I don't.

9 Q. Is there anything that would refresh your  
10 recollection as to whether you got a response?

11 A. Well, if you had something that said there  
12 was or wasn't, I mean...

13 Q. What would you have done with the information  
14 if you had gotten a response?

15 A. I don't know. I couldn't even tell you  
16 before you showed me this, that I'd asked for it.

17 Q. Do you think, if you'd gotten a response, you  
18 would have shared it with anybody?

19 A. I'm not going to speculate. I mean, this was  
20 part of the public record. Of course I would have.  
21 Everybody knew that we were asking for that.

22 Q. And it's fair to say other legislators were  
23 interested in that information, correct?

24 A. They may have been or may not have been.

25 Q. You don't recall, off the top of your head,

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1 whether they were interested in that information,  
2 whether opponents of the bills brought up, multiple  
3 times, who was going to be impacted by this bill?

4 A. I think it's a matter of the public record.  
5 I can't tell you as I sit here today.

6 Q. If you hadn't have gotten a response, would  
7 you have followed up with Ms. McGeehan?

8 A. I don't even remember asking Ms. McGeehan.  
9 You're asking me to speculate about something that I  
10 didn't even recall until you showed me this. So it's  
11 that same, "If 'ifs' and 'buts' were candy, we'd all  
12 have a Merry Christmas." I mean, I don't know is the  
13 answer.

14 Q. Well, I mean, you brought it up three times  
15 during the Committee of the Whole, correct?

16 A. You've shown me three times. I might have  
17 brought it up more.

18 Q. You certainly --

19 A. Certainly no less.

20 Q. -- didn't bring it up less?

21 A. Yeah. At least three times.

22 Q. At least three times.

23 A. It was brought up. I'm not sure I brought it  
24 up every time.

25 Q. That's a good point. Ms. McGeehan actually

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1 brought it up once. You brought it up at least two  
2 times during the Committee of the Whole debates?

3 A. Once our twice, yes.

4 Q. So it was on your mind when the Committee of  
5 the Whole was debating this bill?

6 A. Other members were asking about it, too, I  
7 guess.

8 Q. So it was something the legislature was  
9 interested in, correct?

10 MS. DONNELLY: Object. Form.

11 A. I can't speak to what I remember the  
12 legislature was interested in or not.

13 Q. (BY MS. MARANZANO) But people were asking  
14 about it?

15 A. Yeah. It was the subject of the debate in  
16 the committee, which is the appropriate place to bring  
17 something like that up.

18 Q. And if you hadn't have gotten a response,  
19 isn't it fair to say that there would have been some  
20 follow-up from somebody?

21 MS. DONNELLY: Object. Form.

22 A. You know, I can't tell you whether I got a  
23 response or whether I didn't get a response. I don't  
24 know what the answer was.

25 Q. (BY MS. MARANZANO) Have you ever previously

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1 been told by a resource witness that they're going to  
2 get you information later? Does that happen  
3 routinely?

4 A. In the legislature?

5 Q. Uh-huh.

6 A. Yes.

7 Q. And have they ever not given you that  
8 information that they have said they will get to you  
9 later?

10 A. Sometimes, I'm sure that's happened. I mean,  
11 you don't always get it unless you -- I mean, you  
12 know, it doesn't -- and sometimes I ask and I get a  
13 response and I don't even remember that I asked the  
14 question.

15 Q. So it's not your practice, generally, to  
16 follow up with resource witnesses when you ask for  
17 information?

18 A. My staff would, but I might not.

19 Q. But your staff would, generally?

20 A. Generally speaking.

21 Q. Who was your staff that was handling SB 14?

22 A. Well, I think Ryan LaRue was involved in it,  
23 and Amanda Montagne and Jason Baxter, I think are the  
24 three primary people that I remember.

25 And it would appear from that e-mail, that

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1 highly confidential e-mail that we talked about  
2 earlier, that they had asked Libby Nezda to look into  
3 something.

4 Q. Would you say it's your staff's practice to  
5 generally ensure that your requests get responded to?

6 A. I think, as a general statement, that's true.

7 Q. And --

8 A. And I think, as a general statement, the  
9 state agency that I might ask about that would  
10 generally be very responsive during the time that I  
11 was a member of the Senate Finance Committee  
12 especially.

13 MS. MARANZANO: Can I have this marked.

14 (Williams Exhibit 26 marked/introduced.)

15 Q. (BY MS. MARANZANO) I'm showing you what we've  
16 marked as Deposition Exhibit No. 26.

17 Do you recognize this document?

18 A. No. But I'll take a look at it.

19 Q. Okay. Have you looked it over?

20 A. I'm looking at it now.

21 Q. Do you recall if you've ever seen this  
22 document before?

23 A. I don't recall that I have. I may have. But  
24 I don't -- I don't have any -- it's the first time  
25 I've seen it, to my recollection. I may have seen it

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1 way back there when we were considering all this.

2 Q. Do you recall if you've ever seen the  
3 analysis on page 3 before?

4 A. This written analysis?

5 Q. Yes.

6 A. No, I don't recall.

7 Q. Do you see, at the bottom of page 3, the  
8 conclusion, it says: "We can estimate between 844,713  
9 to 678,560 registered voters may not have been issued  
10 a" Texas driver's license -- well, "TDL/ID by the  
11 DPS"?

12 A. I see that.

13 Q. Have you ever seen a conclusion like that  
14 before?

15 A. No.

16 Q. Did you ever hear from the Office of the  
17 Secretary of State that this was a number that they  
18 had reached when they did the analysis that you  
19 requested?

20 A. Not to my recollection. They may have told  
21 me that, but I don't know.

22 Q. Did you ever hear from the Office of the  
23 Secretary of State that they couldn't respond to your  
24 request because they weren't able to conduct the  
25 analysis?

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1 A. I don't recall.

2 Q. Or did you ever hear from the Office of the  
3 Secretary of State any concerns about the accuracy of  
4 such an analysis?

5 A. I did not. But as I look this over, what I  
6 would say is that I'm not sure I agree with the  
7 conclusion here, if I understand the data on the last  
8 page, because it would appear to me that of the  
9 844,713 voters at the upper end of the limit, 519,514  
10 of those voters would be eligible to vote by mail, and  
11 they would not need an ID to do that.

12 So of the 7 percent, it would appear to me  
13 that about two-thirds of that 7 percent -- well, to be  
14 precise, it would be 4/7ths -- no, that's not right.  
15 It would be -- at 4 percent of the total, the 519  
16 represents a pretty large percentage of the 844 --  
17 let's see what that is.

18 Q. Senator Williams, right now, I actually just  
19 want to focus on whether or not you've received this  
20 document.

21 A. Yeah. Well, that's fine. If that's what you  
22 want to focus on. That's not what I want to talk  
23 about, so we'll just get somewhere in the middle of  
24 that. So I don't remember --

25 MR. SHORDT: Objection. Nonresponsive.

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1 A. -- ever seeing it.

2 It would appear to me that 61-and-a-half  
3 percent of the people at the upper end of the range  
4 would have been able to vote by mail --

5 MR. SHORDT: Same objection.

6 Nonresponsive.

7 A. -- and would not need a photo ID.

8 Q. (BY MS. MARANZANO) Senator Williams, would  
9 you --10 A. So I'm not sure I can agree with the  
11 conclusion that's on here.12 Q. And if you had received this document, do you  
13 think there would have been some back and forth  
14 between you and the Secretary of State's office?15 A. There might have been. And I might have  
16 received it and had some back and forth with them.

17 Q. And would that have been in writing?

18 A. Probably not.

19 Q. Do you think, if they were going to respond  
20 to your request that you made during the Committee of  
21 the Whole, that would have been in writing?22 A. They would have responded in writing. I  
23 probably would not have.24 Q. Do you think their response would have gone  
25 to you directly or to your staff?

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1 A. To my staff.

2 Q. Who on your staff would it have gone to?

3 A. It could have gone to my chief of staff, it  
4 could have gone to my legislative director, it could  
5 have gone to Jason Baxter, or it could have gone to  
6 Ryan LaRue. So it would have been Janet Stieben,  
7 Amanda Montagne, Jason Baxter or Ryan LaRue. Any of  
8 those people might have received a response.9 Q. And as you sit here today, you have no  
10 recollection of whether you received this analysis or  
11 not?

12 A. I have no idea.

13 MR. KEISTER: Objection. Asked and  
14 answered.15 Q. (BY MS. MARANZANO) Senator Williams, can  
16 anybody vote by absentee ballot or vote by mail in  
17 Texas?18 A. I don't think so. I think there's an age. I  
19 mean, you have to file an application to vote by mail  
20 to receive your ballot. You have to send in an  
21 application.22 You have to be over 65, or disabled, to be  
23 able to vote by mail; or, if you're in the military,  
24 you can vote by mail; or, if you're going to have an  
25 actual absence from your home county during the

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1 election and the entire early voting period, you also  
2 may be eligible to vote by mail.

3 That's the best of my recollection. But it's  
4 probably pretty imprecise. There may be some other  
5 parameters on that.

6 Q. Is it fair to say that some people who are  
7 eligible to vote by mail still vote in person?

8 A. They may.

9 Q. Are you aware of some people who prefer to  
10 vote in person even if they're eligible to vote by  
11 mail?

12 A. I am not.

13 Q. Are you aware that in some communities, it's  
14 more people prefer to vote in person even if they're  
15 eligible to vote by mail?

16 A. You know, I'll take your word for it.

17 Q. Can you turn to Exhibit 25 for a moment. Can  
18 you look at the bottom of --

19 A. Which one are we on?

20 Q. -- Exhibit 25, which is the transcript, the  
21 excerpt from the transcript. If you can look at  
22 JA\_00066, at the very bottom of the page, there's a  
23 comment by -- there's question by Senator  
24 Van de Putte.

25 It says: To your knowledge, have any studies

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1 been done to determine if there has been under current  
2 Texas voter laws any impact that it would have  
3 affected -- it would have on affected class of Latino  
4 and African-American voters.

5           Do you see that?

6       A. No, I'm sorry. I'm looking. Where -- or  
7 what, is it marked for it? What's the small number,  
8 the page number?

9       Q. 44. At the very bottom of 44, and it goes on  
10 to the next page.

11      A. Okay.

12      Q. Do you see Senator Van de Putte's question?  
13 And if you can read Senator Fraser's response.

14           MS. DONNELLY: Wait. You're saying it  
15 starts at 44?

16           THE WITNESS: Yeah, I don't have 45.

17           MS. MARANZANO: You don't have 45?

18           MS. DONNELLY: No.

19           THE WITNESS: No.

20           MS. MARANZANO: On the back?

21           THE WITNESS: No. It goes from --

22           MS. DONNELLY: It goes from 44 to 161.

23           MR. KEISTER: I'm going to object to  
24 having the witness read from documents at this late  
25 hour. The documents speak for themselves.

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1 MS. MARANZANO: I have a question, but  
2 we need to find the right transcript.

3 MR. KEISTER: You asked him to read it.

4 MS. MARANZANO: Okay. We'll put that  
5 exhibit aside.

6 THE WITNESS: I need to take a break  
7 here to communicate with some folks that are trying to  
8 reach me.

9 MS. MARANZANO: Okay. Let's go off the  
10 record.

11 (Break.)

12 MS. MARANZANO: Can I have this marked.

13 (Williams Exhibit 27 marked/introduced.)

14 Q. (BY MS. MARANZANO) Senator Williams, I'm  
15 showing you what we've marked as Deposition Exhibit  
16 27.

17 Do you recognize this document?

18 A. I do not, but I will look at it.

19 This looks like an excerpt from the Senate  
20 Journal the day that I had my friends from the Jewish  
21 Federation of Houston on the floor of the Senate.

22 Q. And an excerpt from the Senate Journal on  
23 January 26, 2011; is that correct?

24 A. Yes.

25 Q. And can you look at the page that is labeled

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1 at the bottom JA\_001243?

2 A. 1243?

3 Q. Yup.

4 A. Okay.

5 Q. Do you see that Senator Davis offered an  
6 amendment to SB 14 Floor Amendment No. 12, that would  
7 have prohibited fees for documents that were either to  
8 be used as proof of identification or to obtain a  
9 document that may be used as proof of identification?

10 Do you see that amendment?

11 A. I do.

12 Q. And do you see that Senator Fraser moved to  
13 table that amendment?

14 A. Yes.

15 Q. And you voted to table that amendment; is  
16 that correct?

17 A. I did.

18 Q. Can you tell me why.

19 A. Looks like it was an unfunded mandate, on our  
20 local government units.

21 Q. And did you talk to any of the local  
22 government units to determine whether they had  
23 concerns about that unfunded mandate?

24 A. No, I didn't know about the amendment until  
25 Senator Davis offered it on the floor that day.

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1 Q. So this amendment would have essentially  
2 shifted costs from voters to counties; is that  
3 correct?

4 A. It would appear so. Political subdivisions  
5 of the State.

6 Q. And do you support the concept that the  
7 voters and not the county should bear the cost of  
8 obtaining an ID?

9 A. I think that we didn't want to put any  
10 additional burdens, unfunded mandates on our local  
11 government units. Ultimately, this is the taxpayers  
12 that are paying for that.

13 Q. Would allowing these documents to be issued  
14 free of charge in any way prevent Texas from verifying  
15 that a voter is who they say they are at the polls?

16 A. Would you ask the question again?

17 Q. Sure. Would allowing these documents to be  
18 issued free of charge in any way prevent Texas from  
19 verifying a voter is who they say they are at the  
20 polls?

21 A. I don't think so.

22 Q. Are you aware of whether the Indiana law  
23 provides that indigent persons can obtain underlying  
24 documents to obtain a necessary photo ID free of  
25 charge?

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1 A. I don't recall.

2 Q. Do you recall that during the debate on the  
3 Committee of the Whole, supporters of SB 14 frequently  
4 referenced the Indiana voter ID law?5 A. That's -- I recall that it was frequently  
6 referenced. I don't recall any of the particulars of  
7 the Indiana law.8 Q. Okay. Was this amendment tabled on a  
9 party-line vote?

10 A. It would appear that it was.

11 Q. Will you look at JA\_001245?

12 A. Okay.

13 Q. Do you see that Senator Davis also offered a  
14 Floor Amendment No. 15, which would have allowed for  
15 the use of IDs that had expired since the last general  
16 election and up to two years?

17 A. What's your question?

18 Q. Do you see that amendment that I'm referring  
19 to?

20 A. Yeah.

21 Q. I assume, based on your last answer, that you  
22 are not aware of whether the Indiana voter ID law  
23 contains a similar provision?

24 MS. DONNELLY: Objection. Form.

25 A. I don't know whether it does or not.

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1 Q. (BY MS. MARANZANO) Do you see that Senator  
2 Fraser moved to table this motion?

3 A. Looks like he withdrew the amendment, to me.  
4 On JA\_001245, it says she temporarily withdrew her  
5 amendment.

6 Q. Can you look at JA\_001263? And do you see  
7 that she brought up -- that Senator Davis brought up  
8 Floor Amendment No. 15, on that page?

9 A. I see that she brought up Floor Amendment  
10 No. 15 again. I don't know if it's the same amendment  
11 that she offered earlier or not. I'd have to take  
12 some time --

13 Q. Well, do you see that Floor Amendment 15, as  
14 reflected on JA\_001263, allows for the use of  
15 identification that has expired after the date of the  
16 most recent general election?

17 A. Yes, I see that.

18 Q. And do you see that Senator Fraser moved to  
19 table this bill?

20 A. He moved to table the amendment.

21 Q. Thank you. The amendment.

22 And you voted in favor of tabling the  
23 amendment, correct?

24 A. I did.

25 Q. Why did you vote that way?

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1 A. I think, if we're giving out free IDs,  
2 there's no reason for people to be running around with  
3 expired IDs to use in an election. So that's about  
4 all I can tell you about it.

5 Q. Did you think an expired ID was less secure  
6 than a nonexpired ID?

7 A. Yes.

8 Q. And why is that?

9 A. Because the person had to go in -- would have  
10 to go in and get their identification verified, and  
11 you don't know if they -- if it's an expired ID,  
12 whether it's the same person or not. I mean, you  
13 know, it just seems like it would be more secure, to  
14 me.

15 Q. Did you have any evidence that using an ID  
16 that had been expired for two years was less secure  
17 than using an ID that hadn't?

18 A. I don't recall.

19 Q. Was this amendment tabled on a party-line  
20 vote?

21 A. Let's see. Yes, it would appear that it was.

22 Q. Can you look at the page that's labeled  
23 JA\_001251? And I'd like to direct your attention to  
24 Floor Amendment 24.

25 Do you see that Senator Hinojosa offered an

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1 amendment that would have allowed for county  
2 commissioners to authorize county election officials  
3 to issue a voter registration with a photo ID?

4 A. I don't know what all his amendment did,  
5 because if I -- without having the bill in front of  
6 me. There's three sections -- three items that were  
7 amending Section 12 of the bill by striking the word  
8 "photo," inserting the word "or," and, following  
9 "expired," inserting another phrase.

10 And then it says, Section blank, Subchapter A  
11 of the election code is amended by adding Section  
12 15.0025 to read as follows. And then there's the  
13 language that you refer to, which -- so that language  
14 is in there, but I don't know the effect of these  
15 other changes without having a copy of the bill in  
16 front of me.

17 Q. Do you want to refer to the bill? I believe  
18 it was --

19 A. If you have a copy of the bill that we were  
20 considering, I'd be glad to take a look at it, but I  
21 don't know that you do. I mean, I think you had an  
22 engrossed version of the bill. So it would have  
23 included the amendments already.

24 Q. I see. So the bill that has already been  
25 introduced --

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1 A. Yeah. I mean, I don't know. I can go back  
2 and see. It's hard for me to tell, just looking here.

3 I'd have to get your --

4 Q. Well, let me ask you this --

5 A. And the line numbers change, and, you know.

6 Q. With regard to this concept of a county  
7 election official being authorized to take a  
8 photograph of somebody and put it on a voter  
9 registration certificate, is that a concept that you  
10 support or that you would be opposed to?

11 A. Well, I think I voted against it, so I was  
12 opposed to it.

13 Q. You voted in favor of the motion to table; is  
14 that correct?

15 A. Yes, that's correct, I was opposed to his  
16 amendment.

17 Q. And why were you opposed to this amendment?

18 A. I don't recall. I don't -- like I said, I  
19 don't know, without having a copy of the bill that we  
20 were considering on the floor, and all these other  
21 changes. I'm -- I'm reticent to say, because I don't  
22 know what else might have been affected by these other  
23 sections.

24 Q. How is this --

25 A. I can't tell by reading the amendment.

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1 Q. Does it strike you as similar in concept to  
2 the idea of your smile and vote proposal?

3 A. No.

4 Q. And what are the differences?

5 A. The difference is that the county election  
6 administrator would be issuing a registration  
7 certificate with a photo ID, as opposed to taking a  
8 photo and retaining it to see if it was the same  
9 person or not. So it's -- there's some similarities,  
10 but it's not the same.

11 Q. And do you believe --

12 A. And like I said, I don't know what these  
13 other things, these other sections, did either.

14 Q. Do you believe that if county election  
15 officials had been permitted to take photos of people  
16 and put it on a voter registration certificate, would  
17 that have -- and then they were allowed to use that ID  
18 to vote, would that have interfered with the purpose  
19 of verifying that a voter is who they say they are?

20 A. Yes, I think it would have.

21 Q. How would it have interfered with that  
22 purpose?

23 A. I don't believe that the elections  
24 administration people -- we would have been putting an  
25 unfunded mandate on them, to start with, to do this.

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1           And at least, a portion of the amendment that  
2 I see here, it's not a requirement, it's an option, so  
3 it doesn't serve -- it doesn't really solve the  
4 problem. It just says the county may do it. It  
5 doesn't say they have to do it.

6           So you would have had a hodgepodge of 254  
7 counties, one county -- maybe one county chooses to  
8 issue them and the other county chooses not to. So  
9 it's not solving the statewide -- it's not solving the  
10 problem on the statewide issue. There's no  
11 requirement that the county do that here.

12          Q.     So -- and that concerns -- I'm confused about  
13 why that's a concern for you. Can you explain that to  
14 me?

15          A.     Well, Harris County might say, "Yes, we're  
16 going to do it." But Grimes County might say, "No,  
17 we're not going to do it." And so then you would have  
18 photo voter identification in Harris County but not in  
19 Grimes County.

20          Q.     And why is that a problem, that one county  
21 might do it and another county might not? What --

22          A.     I think that you would want to have uniform  
23 laws. I think we -- you know, I think our election  
24 laws apply to the entire state. They're not done on a  
25 county-by-county basis.

TOMMY WILLIAMS  
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1 Q. So it would concern you because voters in  
2 certain counties wouldn't have the same access to this  
3 ID than another?

4 A. Some would, and some wouldn't, and it  
5 wouldn't be uniformly -- people wouldn't be treated  
6 uniformly across the state if you're just doing it on  
7 a "may authorize" basis.

8 Q. And in terms of the unfunded mandate --

9 A. I guess it really wouldn't be an unfunded  
10 mandate. You're just telling them you can do it, but  
11 you don't have to; and so there's no assurance that  
12 they would or they wouldn't. So it really -- I  
13 probably misspoke. It wouldn't be an unfunded mandate  
14 if it's passive.

15 Q. Do you recall why you voted to table this?

16 A. No.

17 Q. But you have concerns, as you sit here today,  
18 about the inconsistency that this amendment --

19 A. Just looking at that one section. And I  
20 don't know what these other portions do. Because what  
21 we were trying to do was solve the problem on a  
22 statewide basis.

23 There's 254 counties in the state. You can't  
24 have every county doing this a different way. That  
25 would lead to a lot of confusion.

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1 Q. What do you mean by, you were trying to solve  
2 the problem on a statewide basis?

3 A. The problem of in-person voter fraud needed  
4 to be addressed on a statewide basis, not on a  
5 county-by-county basis, which is what it would appear  
6 to me that this amendment does.

7 Q. Were you concerned that it would be confusing  
8 for poll workers to have some counties be issuing  
9 these and some counties not be issuing these?

10 A. No, because you vote in your home county.  
11 You wouldn't take your ID and go to another county and  
12 vote.

13 Q. So your concern is just, as a general matter,  
14 the inconsistency of the implementation?

15 A. Yes. That's what I've said, I think, two or  
16 three times.

17 Q. Okay. I just wanted to be clear.

18 Was this amendment tabled on a party-line  
19 vote?

20 A. It would appear so.

21 Q. Can you look at JA\_001254. Do you see that  
22 Senator Gallegos introduced Floor Amendment 29, which  
23 would have allowed for DPS to extend their hours until  
24 7:00 p.m., and to be open on Saturdays? Do you see  
25 that amendment?

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1 A. And I'm sorry, it would not have allowed it,  
2 it would have required.

3 I see the amendment, yes.

4 Q. And you see that Senator Fraser moved to  
5 table that amendment?

6 A. Yes.

7 Q. And you voted in favor of tabling that  
8 amendment, correct?

9 A. Correct.

10 Q. And why did you vote in favor of tabling that  
11 amendment?

12 A. I think, like many things that Senator  
13 Gallegos did, it was ill-considered, God rest his  
14 soul.

15 Q. What was ill-considered about it?

16 A. I'm not sure that we had any evidence that  
17 requiring them to be open until 7:00 p.m. during the  
18 weekdays, or four hours on two Saturdays each month,  
19 really was necessary.

20 And it was -- it's overly prescriptive for  
21 the legislature to put this kind of language in a  
22 statute for a statewide agency. So you'd have the  
23 offices all over the state that would be required to  
24 be open, whether it was necessary for them to be or  
25 not.

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1           And my recollection is that the department --  
2 if you look back at my press release, I think that  
3 they did this as an accommodation -- something similar  
4 to this, as an accommodation, to make the offices more  
5 available. They were open on Saturdays for election  
6 identification certificates only.

7           In other words, they would not process  
8 driver's license requests then, just the EIN [sic].  
9 So sometime prior to -- after the effective date of  
10 the legislation, and before the election, the  
11 department did this.

12           So it's usually a lot better to try to work  
13 with a department and let them help you come up with a  
14 way to solve the problem than it is to put this in  
15 statute where, you know, you're prescribing that they  
16 do it this way and it might not actually be addressing  
17 the problem.

18       Q.     The department isn't required to be open on  
19 Saturday, pursuant to SB 14, right?

20       A.     No. It would have been with this amendment.

21       Q.     And did the legislature at any time consider  
22 whether individuals who worked an hourly wage would  
23 have trouble going to DPS during business hours?

24       A.     Yes. That was discussed.

25       Q.     And what was the conclusion?

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1 A. The conclusion was that it wasn't overly  
2 burdensome, it wasn't any more burdensome than getting  
3 a driver's license. And I think, you know, my  
4 recollection is, it met the test that was outlined by  
5 the Supreme Court in the Indiana case when it was  
6 heard. That was part of what we looked at.

7 So I'm not a lawyer, I can't tell you, but I  
8 know they set out some standards for what was too  
9 burdensome and what wasn't; and the feeling was, this  
10 wasn't too burdensome.

11 And in the end, the department, you know,  
12 opened their offices and had some extended hours so  
13 that they could address this problem, and I  
14 think -- address this issue, I should say, and I think  
15 that their mega centers have extended operating hours  
16 now.

17 So the problem was solved without having this  
18 heavy-handed way of saying, "Well, all these offices  
19 need to be open," and you'd have people sitting around  
20 at a desk with nothing to do.

21 Q. Would this amendment in any way have  
22 interfered with the ability to verify that a voter is  
23 who they say they are?

24 A. No, but it could have added a lot of  
25 additional cost to the department that wouldn't have

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1 necessarily solved the problem that Senator Gallegos  
2 was trying to solve.

3 Q. And this amendment was tabled on a party-line  
4 vote; is that correct?

5 A. It would appear so.

6 MS. MARANZANO: Okay. Let's go off the  
7 record. I think, at this point, I'll pass it to Rich.

8 (Off the record.)

9 E X A M I N A T I O N

10 BY MR. SHORDT:

11 Q. Senator, my name is Richard Shordt. I'm with  
12 the Texas League of Young Voters Education Fund and  
13 Imani Clark. The same ground rules apply that applied  
14 all day.

15 I want to go back and talk a little bit about  
16 the issue of student IDs. And I believe you testified  
17 earlier that the reason you did not support student  
18 IDs as a document to prove identification at the polls  
19 is primarily because you didn't think that poll  
20 workers would be able to necessarily distinguish  
21 between the different student IDs.

22 Is that a correct summary of what you  
23 previously testified to?

24 A. I think what I testified to, that it would be  
25 confusing for the poll workers to know whether it was

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1 a valid ID or not. And I'm not sure how secure they  
2 are, as far as what the schools actually do to verify  
3 to know that that is the person. They probably ask  
4 for your driver's license before they'll issue you a  
5 student ID. That would be my guess.

6 | Have you checked on that?

7 Q. Well, you said there's a lot of universities  
8 here in Texas.

9 A. Yeah, okay. You should probably check that.  
10 They probably require a driver's license before  
11 they'll issue a student ID.

12 Q. That's probably true that not every student,  
13 college student in Texas, has a driver's license; is  
14 that right?

15 A. I don't know.

16 Q. And do you know if every student at Texas A&M  
17 has a driver's license?

18 A. I have no idea.

19 Q. Are there any other reasons, other than  
20 confusion -- potential confusion among poll workers  
21 and not understanding how universities and colleges  
22 will issue student IDs -- or any other reasons that  
23 you can recall at the time SB 14 was debated?

24 A. Not that I recall at this time.

25 (Williams Exhibit 28 marked/introduced.)

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1 Q. (BY MR. SHORDT) I'm handing you what's been  
2 marked as Exhibit No. 28. Please look it over and let  
3 me know if you recognize this document.

4 Does that look familiar to you, Senator?

5 A. No.

6 Q. I will represent that this was produced in  
7 this litigation, and you are listed as the custodian.

8 So is it fair to assume that this came out of  
9 your office if you're listed as the custodian?

10 MS. DONNELLY: You're sure about that?

11 MR. SHORDT: Yeah, I'm -- I'm sure that  
12 Senator Williams was listed as the custodian of this  
13 document, LEG0000795.

14 A. I'm not familiar with it. I'm not saying  
15 that my office didn't have it, but I don't remember  
16 it.

17 Q. (BY MR. SHORDT) Okay. Do you -- I just want  
18 to walk through this document. You're not familiar  
19 with it, I understand. But I still want to walk  
20 through it and ask you a few questions about it.

21 The first -- under Sub-bullet 1 -- sorry,  
22 Bullet 1 states: "There is no uniformity amongst  
23 Texas institutions of higher education for making  
24 student IDs," and the first sub-bullet is: "Some do  
25 not have expiration dates."

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1           How would an expiration date on an ID prove or  
2 disprove that the individual in the picture is not the  
3 person whose name is on the identification?

4       A. I'm not advised.

5       Q. And what do you mean when you say, "I'm not  
6 advised"?

7       A. I don't know. I've never seen this before,  
8 so -- or I have no recollection of ever seeing it  
9 before.

10      Q. Do you think that not having an expiration  
11 date on a student identification would make it  
12 disqualifying as an ID to use to represent a student  
13 identity at the polls to vote?

14      A. I don't have an opinion about it.

15      Q. Okay. And the next bullet says: "Even after  
16 having SOS" -- I believe that's Secretary of State --  
17 "prescribe uniform requirements for student ID's,  
18 there is no guarantee that colleges and universities  
19 would comply."

20           Do you think it's correct to say that a -- or  
21 do you believe this to be accurate, that there's no  
22 guarantee a college or university would comply with a  
23 uniform requirement for student IDs?

24           MS. DONNELLY: Objection. Form.

25      A. I have no idea. And they're both public and

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1 private universities, and some private universities  
2 might feel that they're not compelled to follow that.  
3 I mean, I don't know.

4 Q. (BY MR. SHORDT) Would --

5 A. This isn't something that I produced, so  
6 you're asking me to speculate about somebody else's  
7 idea here.

8 Q. Well, let me ask it this way: In your role  
9 as the vice chancellor at Texas A&M, if the Secretary  
10 of State's office issued a -- issued a requirement  
11 that all public universities in Texas had to issue a  
12 standardized student ID, would Texas A&M comply with  
13 that?

14 MS. DONNELLY: Objection. Form.

15 MR. KEISTER: Object to form.

16 A. I don't know the answer to that. That would  
17 be something that you need to direct to the Office of  
18 the General Counsel, not to me. I'm the vice  
19 chancellor of federal and state relations, so I don't  
20 know, and I don't know that the Secretary of State has  
21 the authority to do that.

22 Q. (BY MR. SHORDT) Okay.

23 A. So, I mean, I just don't know is the answer.

24 Q. Okay. And the second main bullet point  
25 states: "Students are still eligible to vote absentee

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1 in their home precinct."

2 And I understand that you haven't seen this,  
3 but is it accurate to say that a student could vote  
4 absentee in their home district if that home district  
5 is the county where the university is located?

6 MS. DONNELLY: Objection. Form.

7 A. What are you asking me?

8 Q. (BY MR. SHORDT) So let me ask it this way:  
9 Let's say, for example, a student at Texas A&M grew  
10 up -- their home is listed as College Station, and  
11 they are attending class in College Station, which I  
12 believe is in Brazos County, on election day.

13 Could that student vote absentee if they were  
14 in the county on election day?

15 A. I'm not sure I can answer the question the  
16 way you phrased it. The -- if they're a resident of  
17 Brazos County, and that's their home county, and  
18 that's also where they're attending school, they  
19 wouldn't qualify for an absent -- a vote by mail or  
20 absentee ballot because of their residence and their  
21 school being the same.

22 But they might still be able to qualify for  
23 an absentee ballot if they were over 65, if they had a  
24 disability, or if they had an expected actual physical  
25 absence from the county during the time that the

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1 election was to be held.

2               For an example, the primaries, until  
3 recently, frequently occurred during spring break, and  
4 maybe that student expected to be on a ski trip in  
5 Colorado during the time that early voting was going  
6 on, they would then qualify.

7               So there's a lot -- there's probably other  
8 exceptions that I don't know of. So I think you had a  
9 poorly worded question.

10          Q. Well, my question actually is specifically --  
11 my hypothetical specifically said if a student was in  
12 the county on the day of the election.

13          A. You mean physically present?

14          Q. Physically present.

15          A. If they're physically present, I don't think  
16 they'd qualify.

17          Q. Do you -- do you know that there are probably  
18 thousands of Texas college students from the same  
19 county where their college or university is located?

20               MS. DONNELLY: Objection. Form.

21          A. I don't know that. I don't -- I don't have  
22 any idea. I know there are students that attend in  
23 their home county and there are students who travel  
24 and live outside -- go to school outside their county.  
25 I mean, I don't know what the numbers are. I have no

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1 idea.

2 Q. (BY MR. SHORDT) Do you know how many Texas  
3 A&M students are from Brazos County?

4 A. No. No, I have no idea. I work at the  
5 system office. There are 132,000 students in the  
6 Texas A&M University system. Roughly one out of every  
7 five college students goes to an A&M school. So how  
8 would I know that?

9 Q. I asked if you knew it, and you answered the  
10 question.

11 Do you see where this states, quote, "There  
12 is no assurance to the State that the persons who  
13 process student IDs are capable of providing the same  
14 type of security in issuing those ID's as the state or  
15 federal government would be in the types discussed in  
16 SB 14"?

17 A. I see that.

18 Q. Do you recall any testimony received during  
19 SB 14, or the two previous voter ID bills that you've  
20 testified to today, regarding how Texas universities  
21 prepare, secure or issue a student ID, at a Texas  
22 college or university?

23 A. I'm not advised.

24 Q. And by you're "not advised," do you mean you  
25 don't know the answer?

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1 A. That's right.

2 Q. And did the legislature, during the  
3 consideration of SB 14, give any consideration to the  
4 ways of making student IDs more secure, at least for  
5 the state's public institutions of higher education?

6 A. I don't recall.

7 Q. Do you recall if the legislature gave any  
8 consideration to options such as requiring the  
9 expiration date be put on student IDs?

10 A. I don't recall.

11 Q. Do you see where it says, "Ease of forging  
12 student ID's" on this document, Senator?

13 A. I do.

14 Q. Do you recall any evidence presented or  
15 testimony given during the discussion of SB 14 --  
16 during the consideration of SB 14, that suggests it's  
17 easier to forge student IDs at Texas colleges or  
18 universities?

19 A. I don't recall.

20 Q. Do you recall any testimony given as to  
21 whether it's easy to forge IDs at any college or  
22 university nationwide?

23 A. I don't recall.

24 Q. Do you recall any evidence or testimony given  
25 that shows if it's easier or harder to forge a student

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1 ID than it is a Texas driver's license or a Texas  
2 personal identification card?

3 A. I don't recall.

4 Q. And do you see where, on this document, it  
5 says: "Students should have the types of documents  
6 needed to procure a driver's license or ID card for  
7 attending their institution"?

8 A. I do see that.

9 Q. Do you recall any evidence or testimony  
10 received during the consideration of SB 14 that  
11 provided a factual basis for that statement?

12 A. I don't recall.

13 Q. Do you know if every student at a Texas  
14 university has one of the required documents, one of  
15 the SB 14 required documents to vote?

16 A. I don't know.

17 Q. And the last bullet states: "Allowing this  
18 type of identification would only cause confuse" -- I  
19 think that's probably a typo -- "to poll workers  
20 because there are so many types."

21 And I know you've previously testified that  
22 that was one of your primary concerns.

23 Do you know if military IDs are permitted by  
24 SB 14?

25 Strike that.

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1           We've discussed this earlier. You agree that  
2 military IDs are an SB 14-permitted identification; is  
3 that correct?

4       A.    I believe they are.

5       Q.    Do you know how many types of military IDs  
6 there are?

7       A.    I do not.

8       Q.    Would it surprise you to hear that there are  
9 at least 10 different types of U.S. military IDs?

10      A.    No.

11      Q.    Do you know if poll workers in Texas are  
12 trained to distinguish between different types of  
13 military IDs?

14      A.    I don't know.

15      Q.    Do you know -- did you have any concern when  
16 SB 14 was debated that, just like poll workers may  
17 have confusion distinguishing between student IDs,  
18 they may have confusion or may not understand how to  
19 distinguish between different military IDs?

20      A.    Not that I recall. As you say, there are 10  
21 of these. As I've said previously in my testimony, I  
22 believe there are 38 general academic institutions in  
23 this state. In addition, there's seven or eight  
24 health science centers, and there's somewhere around  
25 30 community colleges. So there's a lot more academic

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1 institutions issuing state IDs than there are military  
2 institutions.

3 Q. So is it fair to say that 10 or 11 types of a  
4 particular ID is easier to understand, as a poll  
5 worker, than several dozen student IDs? Is that your  
6 testimony?

7 MS. DONNELLY: Objection to the form.

8 Go ahead.

9 A. I think what I'm saying, it would be easier  
10 if there were 10 instead of over two dozen.

11 Q. (BY MR. SHORDT) For poll workers to decipher  
12 and --

13 A. Over three dozen. Over four dozen, probably.  
14 A lot, yeah.

15 Q. Do you recall any testimony received during  
16 the consideration of SB 14 addressing how many  
17 students in Texas do not possess an SB 14 valid  
18 identification?

19 A. I do not.

20 Q. Do you recall if there was any testimony as  
21 to the effect of excluding student IDs on voting at  
22 historically black colleges or universities?

23 A. Say what, now?

24 Q. Do you recall if there was any testimony  
25 received during the consideration of SB 14 with

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1 that -- as to the effect of excluding student IDs and  
2 voting at historically black colleges or universities  
3 in Texas?

4 A. I don't recall.

5 Q. Can you please refer back to --

6 MR. SHORDT: Go off the record for just  
7 one second.

8 (Off the record.)

9 Q. (BY MR. SHORDT) Senator, can you please turn  
10 to Exhibit 27, which we just looked at a few minutes  
11 ago with Ms. Maranzano.

12 A. All right.

13 Q. Do you recall an amendment -- sorry, I'll  
14 direct your attention to page 123 at the top  
15 right-hand side of the Senate Journal.

16 Do you recall an amendment offered by Senator  
17 Ellis that would allow as an acceptable form of ID a  
18 student identification card from a public university  
19 in Texas that contains the person's photograph and has  
20 not expired?

21 A. No, and I don't see. You're going to have to  
22 give me --

23 Q. If you look at page 123 -- it would be in the  
24 top right-hand -- page 123 of the Journal.

25 MR. KEISTER: Are we looking at the same

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1 document?

2 MR. SHORDT: I thought we were.

3 MS. DONNELLY: Go by the JA.

4 A. JA\_001248?

5 MS. DONNELLY: Yeah.

6 A. Is that the same page?

7 Q. (BY MR. SHORDT) I'm using a different  
8 version, but is Floor Amendment No. 19 on that?

9 MS. DONNELLY: Yes.

10 A. Yes, it is.

11 Q. (BY MR. SHORDT) And Floor Amendment No. 19,  
12 as you look at Section 5, it states: "for a person  
13 who is a student at an accredited public university  
14 located in the state of Texas, a student  
15 identification card that contains the person's  
16 photograph that has not expired issued to the person  
17 by the institution of higher education."

18 Now, this amendment would not have permitted  
19 student IDs from other states; is that correct?

20 A. I can't tell without having a copy of the  
21 bill that we were considering, because there's some  
22 other portions besides the language that's being  
23 added. And I'm not sure what the effect of striking  
24 "or" and following "expired" -- I don't know what the  
25 effect of that was.

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1 Now, with respect to that Subsection 5, it  
2 says: "for a person who is a student at an accredited  
3 public university located in the state of Texas, a  
4 student identification card that contains the person's  
5 photograph that has not expired issued to the person  
6 by the institution of higher education."

7 That's all I can tell. I don't know, without  
8 having the bill in front of me, when you insert that  
9 language in, what the effect of it would be; because  
10 I'm not sure where it's going, from what I see -- from  
11 what -- the document that I have before me.

12 Q. And Senator Fraser moved to table this  
13 amendment; is that right?

14 A. That's what it says.

15 Q. And you voted in favor of tabling?

16 A. That's what it says.

17 Q. I want to turn to a different issue, and I'm  
18 going to show you -- well, let me start by asking,  
19 during consideration of voter ID bills between 2009  
20 and 2011, do you recall that bill supporters cited the  
21 results of certain polls -- public opinion polls that  
22 show Texas feelings about voter ID?

23 A. What are you asking me?

24 Q. Do you recall, during the consideration of  
25 SB 14 or SB 362, that bill supporters often cited or

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1 referred to public opinion polls that showed Texans'  
2 views about the voter ID issue?

3 A. Yes. I know that there were a lot of polls  
4 that were done that showed it was widely popular among  
5 all ethnic groups and all groups along party lines.  
6 It was -- you know, it was an overwhelmingly popular  
7 thing, and we polled it in my Senate district and  
8 found similar results.

9 Q. Okay.

10 A. At some point, I'm not sure where, you know,  
11 in --

12 Q. Right.

13 A. -- the consideration of those bills, but I  
14 know it would have been something that we had looked  
15 at.

16 Q. Okay. I'd like to show you -- we'll start --  
17 because you mentioned in your district, and I think  
18 you may have cited one poll, so...

19 (Williams Exhibit 29 marked/introduced.)

20 Q. (BY MR. SHORDT) Senator, I've shown you  
21 what's marked as Exhibit 29.

22 Do you recognize this -- this poll?

23 A. No.

24 Q. Okay.

25 (Williams Exhibit 30 marked/introduced.)

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1 Q. (BY MR. SHORDT) And I'm going to -- I'm going  
2 to just give you three documents, because I want to  
3 talk about them in tandem, so I think it would be  
4 easier to cross-reference.

5 MR. SHORDT: Can you mark that one,  
6 please.

7 (Williams Exhibit 31 marked/introduced.)

8 MS. DONNELLY: Counsel, 29 is marked as  
9 "HIGHLY CONFIDENTIAL". I realize the entire  
10 deposition is under seal, which is, for the record,  
11 any questions and answers about 29 are covered by the  
12 "highly confidential" designation.

13 Is that an agreement?

14 MR. SHORDT: Yes.

15 MS. DONNELLY: Thank you.

16 MR. SHORDT: But Exhibits 30 and 31 are  
17 not marked "highly confidential."

18 MS. DONNELLY: Understood.

19 A. Do I have 30?

20 Q. (BY MR. SHORDT) Yes, sir.

21 So let's go in reverse order, Senator. If you  
22 could look at Exhibit 31, what's been marked as  
23 Exhibit 31?

24 Is this -- fair to say, this is a constituent  
25 newsletter that you released --

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1 A. It would appear that it is.

2 Q. -- fall of 2009?

3 I want to direct your attention to page --  
4 page 3, which is, at the bottom, Bates labeled  
5 LEG00000801.

6 In the middle, halfway down on the right-hand  
7 side, there's a section labeled "Fighting Voter  
8 Fraud."

9 A. Uh-huh.

10 Q. And it states: "Tommy fought long and hard  
11 to get a Photo Voter ID bill passed in the Texas  
12 Senate."

13 And then the next line is: "70 percent of  
14 Texans agree with requiring voters to present photo  
15 voter identification." And the source is June 2009,  
16 University of Texas Government Department Statewide  
17 Survey of Texas Public Opinion.

18 Senator, is it fair to say that you approved  
19 this newsletter going out --

20 A. Yes.

21 Q. -- to your constituents?

22 And do you recall specifically discussing  
23 this section with, I presume, the staffer who drafted  
24 it on your behalf?

25 A. I do not.

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1 Q. But -- but this wouldn't have gone out to  
2 your constituents unless you approved --

3 A. That is correct.

4 Q. Okay. So I'd like to turn now to Exhibit 30,  
5 which -- do you recognize the poll in Exhibit 30?

6 A. I do not.

7 Q. Do you see where, at the top, it says:

8 "Texas Politics Views on Proposed Voter ID Requirement  
9 (June 2009)"?

10 A. Yes, I see it now.

11 Q. Do you think that it's fair to say that this  
12 is the poll that is referenced in your constituent  
13 newsletter?

14 MS. DONNELLY: Objection. Form.

15 A. I don't know. It could be.

16 Q. (BY MR. SHORDT) On the first page of this  
17 poll, it says: "Views on Proposed Voter ID  
18 Requirement (June 2009)," percentages and a bar graph,  
19 and 69 percent agree, 17 percent disagree. Is  
20 that -- is that accurate?

21 A. I see -- what are you talking about, Exhibit  
22 30?

23 Q. Exhibit 30, yes, sir.

24 A. Uh-huh.

25 Q. So I will represent to you that page 4 -- if

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1 you can turn to page 4?

2 A. On what exhibit?

3 Q. Sorry. Exhibit 30. I will represent -- and  
4 I pulled this off of the Texas Politics website --  
5 that this is the question that was asked for  
6 respondents of this poll. And if you can take a  
7 second just to look over this short page, I have a  
8 couple questions for you.

9 A. Okay. I've read it.

10 Q. At the end -- well, sorry -- respondents were  
11 asked -- and then it quotes the question, what was  
12 read to the respondents, and the last sentence reads:  
13 "Do you agree or disagree with the idea that  
14 registered voters should be required to present a  
15 government issued photo ID at the polls before they  
16 can be allowed to vote?" They were given three  
17 choices: "Agree," "Disagree," "Don't Know."

18 This question doesn't -- sorry.

19 Well, this question states a  
20 government-issued photo ID was used; is that correct?

21 A. That's what it says.

22 Q. And it doesn't define or limit the term  
23 "government-issued photo ID"; is that right?

24 A. That's correct.

25 Q. And SB 14 does not include all forms of

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1 government-issued photo identification; is that right?

2 A. Aha.

3 Q. Is that enthusiastic "aha," a "yes," Senator?

4 A. I can't believe we're sitting here at 6:30,

5 to have these kinds of inane questions asked of me, is

6 what I think.

7 Did you really go to law school? This is  
8 ridiculous.

9 MR. SHORDT: Objection. Nonresponsive.

10 Will you please answer the question?

11 MS. DONNELLY: Can you rephrase, repeat  
12 the question?

13 MR. SHORDT: Can you please repeat the  
14 question that I asked the Senator.

15 THE REPORTER: "And SB 14 does not  
16 include all forms of government-issued photo  
17 identification; is that right?"

18 A. That is -- that would appear to be correct.

19 Q. (BY MR. SHORDT) And there are more  
20 government-issued IDs that are included in SB 14; is  
21 that correct?

22 A. That's true.

23 Q. Is it fair to say that you don't know how any  
24 single respondent to this poll interpreted, quote,  
25 "government-issued photo ID"; is that correct?

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1 A. I think it speaks for itself.

2 Q. That wasn't quite my question.

3 I asked if you know how any individual  
4 interpreted the phrase "government-issued photo ID."

5 A. I think -- I didn't write the question for  
6 the poll. It would appear to me that it has broad  
7 support. The legislature decided what that would  
8 mean, not the pollster.

9 MR. SHORDT: Okay. I'll strike as  
10 nonresponsive.

11 Q. (BY MR. SHORDT) Do you know how any  
12 individual respondent to this poll interpreted the  
13 phrase "government-issued photo ID"?

14 A. No.

15 Q. Do you know if a respondent understood  
16 "government-issued photo ID" to mean a state  
17 university ID?

18 MS. DONNELLY: Objection. Form.

19 A. I don't know.

20 Q. (BY MR. SHORDT) Do you know if a respondent  
21 understood the term "government-issued photo ID" to  
22 mean a Medicare card issued by the United States  
23 Government?

24 A. I don't know.

25 Q. Do you know if the term -- if a respondent

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1 understood the term "government-issued photo ID" to  
2 mean a Texas state employee ID?

3 A. I don't know.

4 Q. I guess one of my questions is: If the  
5 polling suggested that the public supports use of a  
6 government-issued photo ID, then why doesn't SB 14  
7 include all government-issued photo IDs?

8 MR. KEISTER: Object to form.

9 MS. DONNELLY: Object to form.

10 A. I don't think that -- I don't know how to  
11 answer your question. There was an extensive debate  
12 about this, and it was decided. My views on it, I've  
13 made as clear as I possibly know how to make. I  
14 didn't decide whether I supported Senate Bill 14 or  
15 not based on a poll that the University of Texas did.

16 Q. (BY MR. SHORDT) Do you recall other senators  
17 using this poll and similar polls as justifying  
18 support for SB 14?

19 A. Some may have. I do recall that --

20 MS. DONNELLY: Please don't talk about  
21 what other legislators relied upon, what they thought.  
22 Please don't speculate.

23 A. I don't know what they said. But I think, if  
24 you -- I think it would be relevant to go back and  
25 look at my closing remarks in the Senate Journal on

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1 the debate about the rule change. It's relevant, and  
2 I think I clearly said that I wasn't proposing a rule  
3 change because of polling. I think that it was  
4 important to get the issue before the body, so...

5 Q. (BY MR. SHORDT) Then -- well, let me ask  
6 this: Why did you include the poll in your  
7 constituent newsletter?

8 A. I don't know.

9 Q. You don't know why you included reference to  
10 this poll in your constituent newsletter?

11 A. No. I mean, somebody wrote this for me, and  
12 I would have said, "Is this true?" They would have  
13 shown me where it was true or not true, and I would  
14 have said, "Okay. This is fine."

15 (Williams Exhibits 32 and 33  
16 marked/introduced.)

17 Q. (BY MR. SHORDT) Senator, you've been  
18 handed --

19 MR. SHORDT: Does everybody have a copy?

20 MR. KEISTER: I don't, if you have an  
21 extra. If you don't, I will survive.

22 Q. (BY MR. SHORDT) Sir, you've been handed what  
23 have been marked as Exhibits 32 and 33.

24 A. No, I have an Exhibit 32 here.

25 Q. Sorry. Exhibit 33 is right there.

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1           Have you seen either of those polls, Senator?

2           MR. SHORDT: And for the record, Exhibit  
3 32 is a Texas Politics Voter ID Law Support for  
4 October 2012, and Exhibit 33 is Texas Politics Voter  
5 Identification February 2011.

6       A. I don't recall whether I've seen them before  
7 or not.

8       Q. (BY MR. SHORDT) I will represent that the  
9 question asked of the poll respondents is the exact  
10 same for both polls. It states: "Do you agree or  
11 disagree with the idea that registered voters should  
12 be required to present a government-issued photo ID at  
13 the polls before they can be allowed to vote?"

14           And I will also represent that is the exact  
15 same question that was asked in the previous poll that  
16 we discussed.

17           You earlier cited that this has been used to  
18 support broad support among Texans across all minority  
19 groups; is that -- is that fair?

20       A. I think what I said is that it had broad  
21 bipartisan support and was supported across ethnic  
22 lines.

23       Q. Would it surprise you to know that between  
24 July 2008 and October 2012, the percentage of  
25 African-American respondents to these polls agreeing

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1 that registered voters should be required to present a  
2 government-issued photo ID at the polls before they  
3 can be allowed to vote dropped from 68 percent to 33  
4 percent?

5 A. I have no idea. I don't know whether that's  
6 true or not.

7 Q. Do these polls -- if you can take a second to  
8 look at them, is that what these polls represent or  
9 reflect?

10 MS. DONNELLY: Objection to the form of  
11 the question. It's confusing and vague.

12 Q. (BY MR. SHORDT) I'll point you to page -- on  
13 Exhibit 32, page 4 shows the support among whites,  
14 African-Americans and Hispanics.

15 And is it fair that -- is it true on Exhibit  
16 32 that the support among African-Americans is  
17 identified as 33 percent?

18 MR. KEISTER: Object to form.

19 Is there some evidence this is what was  
20 relied upon by the legislators? If not, I'll object  
21 it states facts not in evidence.

22 And, Counsel, my time shows that we're  
23 at 7 hours.

24 MR. SHORDT: There's a question pending.

25 MS. DONNELLY: What is the question?

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1                   MR. SHORDT: Can you read back the  
2 question I asked, please.

3                   THE REPORTER: "I'll point you to  
4 page -- on Exhibit 32, page 4 shows the support among  
5 whites, African-Americans and Hispanics.

6                   And is it fair that -- is it true on  
7 Exhibit 32 that the support among African-Americans is  
8 identified as 33 percent?"

9                   MS. DONNELLY: The document speaks for  
10 itself.

11          A. Yeah, I've never seen it before. It says  
12 that African-American -- it would appear -- and the  
13 coloring of it is difficult for me to follow, the --  
14 the color code on the bar charts -- that it would  
15 appear that the African-American support was 33  
16 percent, the Hispanic support was 75 percent, and the  
17 Anglo support was 70 -- or white, as they say, is 71  
18 percent. In the previous poll, it was 80, 63 and 68.

19          Q. (BY MR. SHORDT) So is it fair to say that  
20 African-American support dropped by 30 percent  
21 between --

22                   MS. DONNELLY: No.

23                   MR. KEISTER: Object to form.

24                   MS. DONNELLY: Objection to the form of  
25 the question.

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1                   MR. SHORDT: Please don't testify for  
2 your witness.

3                   MS. DONNELLY: I objected to the form of  
4 the question.

5                   MR. SHORDT: You said "no."

6       A. I don't know what it shows. I mean, we  
7 passed the law. The poll had nothing to do with  
8 whether the law was passed or not. I mean...

9       Q. (BY MR. SHORDT) What do you mean, "the poll  
10 had nothing to do with whether the law was passed or  
11 not"?

12      A. I -- I voted on this -- on the Senate Bill  
13 14, because I thought it was good public policy. It  
14 was popular with voters, but it was good public  
15 policy.

16                  There are a lot of things that are popular  
17 with voters that aren't necessarily good public  
18 policy; and, you know, that's my job as a legislator,  
19 to discern between the two of those things.

20                  And I don't know what you're trying to prove  
21 here, but I think the document speaks for itself.  
22 It's not anything that I've ever seen before. So I  
23 don't know the veracity of what you're showing me.

24       Q. So you never saw the June 2009 poll that was  
25 cited in your constituent --

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1 A. No, I don't recall.

2 MS. DONNELLY: Objection. Asked and  
3 answered.

4 A. I've already answered that. I don't know  
5 whether I saw it or not.

6 MR. SHORDT: Okay. I have no further  
7 questions.

8 MS. DONNELLY: Thank you very much.

9 MR. KEISTER: I'll reserve.

10 (Deposition concluded at 6:45 p.m.)

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## 1 REPORTER CERTIFICATION

2 THE STATE OF TEXAS :  
3 COUNTY OF HARRIS :

I, DENYCE SANDERS, a Certified Shorthand Reporter and Notary Public in and for the State of Texas, do hereby certify that the facts as stated by me in the caption hereto are true; that the above and foregoing answers of the witness, TOMMY WILLIAMS, to the interrogatories as indicated were made before me by the said witness after being first duly sworn to testify the truth, and same were reduced to typewriting under my direction; that the above and foregoing deposition as set forth in typewriting is a full, true, and correct transcript of the proceedings had at the time of taking of said deposition.

I further certify that I am not, in any capacity, a regular employee of the party in whose behalf this deposition is taken, nor in the regular employ of his attorney; and I certify that I am not interested in the cause, nor of kin or counsel to either of the parties;

That the amount of time used by each party at the deposition is as follows:

MS. RUDD - 04:11:07  
MR. BRAZIL - 00:23:48  
MR. SHORDT - 00:39:08  
MS. MARANZANO - 01:51:59

GIVEN UNDER MY HAND AND SEAL OF OFFICE, on this, the 31st day of July, 2014.

DENEYCE SANDERS, CSR, RPR, CRR, TCRR  
Notary Public in and for  
Harris County, T E X A S



My Commission Expires: 4-14-17  
Certification No.: 4038  
Expiration Date: 12-31-15  
U.S. LEGAL Support, Inc./Firm No. 122  
363 N. Sam Houston Parkway, 12th Floor,  
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